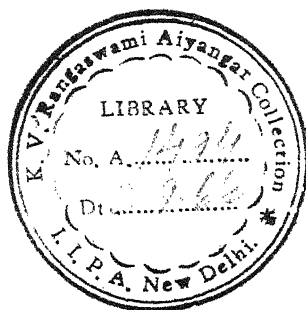


OXFORD PAMPHLETS ON WORLD AFFAIRS
No. 34

RUSSIAN FOREIGN POLICY

BY
BARBARA WARD



OXFORD
AT THE CLARENDON PRESS

1940

K. MARSHALL & CO. LTD. 11, A. CLARENDON

THIS Pamphlet must needs be, to some extent, an essay in interpretation. Our knowledge of the contemporary foreign policy of another State can be judged only from such evidence as is available at the time.

One of the chief reasons why Russia's foreign policy has presented such a problem to the outside world is that it has been persistently judged in the light of ideological principles which are at the most of only secondary importance, at the least almost completely irrelevant. Russia's conduct of foreign relations tends to be examined with the preconceived idea not only that Russia is better or worse than other States, but that her problems and her approach to those problems are fundamentally different. This pamphlet is an attempt to interpret Russian foreign policy on the assumption that neither her problems nor her approach to them are in the last analysis very different from those of her neighbours.

Official documents have been freely consulted, but the sections on pp. 24-9 are largely based on the French Yellow Book (*Le Livre jaune français: documents diplomatiques 1938 et 1939*).

Miss Barbara Ward is an assistant editor of *The Economist* and is the author of *The International Share-out* in Messrs. Nelson's series of 'Discussion Books'. She also contributed to Messrs. Allen & Unwin's *Hitler's Route to Baghdad*.

First published 4 July 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS Amen House, E.C.4
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD Publisher to the University

RUSSIAN FOREIGN POLICY

National and Revolutionary Foreign Policy

FOREIGN policy is never original. It is determined by a certain order of facts, geographical, historical, and economic.' This remark, made by Signor Mussolini in 1924, is a reminder that no State can escape its own geography and history, a rule to which Russia is no exception. The Russian State grew through five hundred years' constant warfare from a small frontierless principality on the steppes of Eurasia to an empire stretching from the Vistula to the Yellow Sea and from the Arctic Circle to the Caucasus. In no case was the expansion peaceful, save in the direction of Siberia where peasants, not soldiers, were the vanguard. For the rest, at the cost of heavy fighting and often heavy defeat, Russia gradually pushed back her frontiers until they came to rest on the natural geographical boundaries of seas or great rivers.

The process left a profound mark upon Russian foreign policy. The long years of war and the hostility of the outside world to Russia's attempts to stabilize her frontiers on lines of natural defence bred in her statesmen a profound distrust of their neighbours and particularly of their neighbours to the west, whose superior civilization and superior arts of war were a constant menace to Russia's relatively primitive organization. From the same distrust sprang another fundamental aspect of Russia's foreign policy, the perpetual search for security. Vast, unwieldy, ill-organized, wealthy, Russia's territories and riches seemed a permanent

temptation to powerful and predatory neighbours. Thus to keep her lands intact and her frontiers inviolate was the first preoccupation of the Russian Foreign Office.

It may be argued that history and tradition are irrelevant to Russia's contemporary foreign policy, since the upheavals of 1917, which destroyed the secular power of the Tsars and established the Bolshevik dictatorship, made so complete and revolutionary a break with Russia's past that the new era must be judged on its own principles, those of the Marxian dialectic and the proletarian revolution. But the Russian Revolution was Marxian only in so far as its leaders imported the Marxian ideology and applied it to a revolt of the masses for peace and land, very far removed from the orthodox class struggle in a highly industrialized 'late capitalist' State. Even had their views proved correct, the small group of revolutionaries who seized power would have had an uphill task to counteract a thousand years of history and thousands of square miles of solid geographical fact. As it was, their theories were false. They expected an immediate extension of the class conflict, the collapse of imperialism under the strain of war, the setting up of Communist States in Europe and Asia. When none of these things occurred, they were thrown back for foreign policy upon the old postulates of Russia's troubled development, those of self-preservation and security. The really striking difference was a change of terms. The old hostility towards the West, the old fear of encirclement reappeared in the disguise of anti-capitalism; the security of the Russian National State mas-

quered as the safeguarding of the Russian vanguard of international revolution; the former expansion and search of outlets and security became the expansion of Communism and the advancement of the workers' cause. The first revolutionary leaders in Russia were, of course, perfectly honest in their use of terms, and it was hardly their fault if the new words proved to be little more than new slogans for old policies. They were defeated by a world situation which remained obstinately unrevolutionary, and by the sheer weight of Russia's tradition; and the farther the revolution receded, the fainter the new ideology and the stronger the old tendencies were to become.

Brest-Litovsk

The first years of the Soviet régime were spent in a struggle for mere existence as desperate as any in Russia's history. Lenin's chief lever with the masses in 1917 was immediate peace, and he hoped that the Central Powers would agree to negotiate on the basis of 'no annexations, no indemnities', terms which the moderates in Germany were prepared to accept. However, the ambitious policies of the German General Staff, of Ludendorff and Hoffman, won the day once the Germans had realized Russia's hopeless military condition. Germany's divided counsels before the negotiations opened at Brest-Litovsk represent a recurring element in Germany's policy towards Russia. The extremists tried to regard Russia as a natural field of expansion for German colonization. Ludendorff and Hoffman saw German protectorates stretching to the Caucasus, German colonists at work on the rich soil

of the Ukraine, Russia's vast resources passing under the direct control of Germany's military and industrial machine. The moderates looked on Russia as an ally to be secured, a partner in German industry, a complementary but independent State with which Germany, renouncing all imperialist aims, must maintain friendly political and close economic relations. Since, however, it was the imperialists who won the day, the Russians, at Brest-Litovsk on 3 March 1918 and at Berlin on 27 August, were compelled to cede to Germany the Russian provinces of Estonia, Latvia, Lithuania, Russian Poland, and Finland. The Ukraine and Georgia were recognized as independent States, and to Turkey fell the task of 'reorganizing' Kars, Batum, and Ardahan.¹

The Civil War

The Treaty of Versailles explicitly annulled Brest-Litovsk, but the Soviet Government was not invited to Paris; in fact, the Allies detested Communism as much as the German General Staff had done, and in order to save Russia, first from Germany and later from Communism, fought the Soviet régime by lending military aid to the White Russian leaders and by assisting the frontier provinces to independence. Lithuania, Latvia, and Estonia were formed into separate States; Poland secured not only independence, but Russian territory as well; Finland achieved independent sovereignty with the help first of Germany, then of Britain; thus the Allies succeeded in creating a

¹ See Oxford Pamphlet No. 14, *The Treaty of Brest-Litovsk and Germany's Eastern Policy*, by J. W. Wheeler-Bennett.

cordon sanitaire of buffer-states to cut Communism off from Europe. Only their war-weariness and the rotten condition of the White Armies saved Soviet Russia from complete dismemberment. As it was, the fighting drew to a close in 1921 and peace was restored to the shattered country.

Russia's foreign policy throughout these troubled years was a curious blend of the revolutionary and the traditional. The fundamental preoccupation was one with which Russia was all too familiar, the struggle for existence, but there was more revolutionary originality in the approach to the problem of security than was ever again to be the case. Lenin's policy at this time was dominated by his belief not only in the imminence of world revolution but also in Russia's inability to safeguard her own revolution without the spread of the conflict on a world-wide scale. At Brest-Litovsk, where many of his own followers urged him to refuse Germany's stringent terms and to continue the fight, his decision to accept the peace was based not only on the purely practical consideration that the Bolshevik régime would not last a week if Germany advanced, but also on his sincere conviction that the farther the Germans advanced into Russia the more they would become 'carriers of revolution' to their own land.

After the German collapse and during the Civil War, Russia had no regular diplomatic contacts with the outside world, a large section of which was unofficially at war with her. Foreign policy was therefore centred in the Communist Third International, the Comintern, which was set up early in 1919 to work for revolution in all extra-Russian

States. Temporary Communist dictatorships in Bavaria and Hungary strengthened Lenin's belief. Of necessity, the immediate struggle against the White Armies was carried on—and brilliantly—by Trotsky, but in those early years none of the Bolshevik leaders (Stalin was still relatively unimportant) really believed that Russia could survive without the spread of the revolution; hence the overriding importance of the Comintern, the instrument of world revolution.

However, even in the first flush of revolutionary enthusiasm the difficulty of subordinating concrete national interests to an international policy deduced from Marxist first principles was obvious enough. Lenin allowed for the full right of national self-determination, and the right of any community to secede from the Russian State was written into the constitution. In practice, the theory of self-determination had to be abandoned in face of the inescapable need to secure the safety of the State. Only where national self-determination told against the Allies—in Turkey and in Persia—was it given unequivocal and decidedly valuable support. Where self-determination threatened Russia's security—in Finland, in Poland, in the Ukraine, in Georgia—the Russian revolutionaries fought it, in the two latter States with success. To argue that the Bolsheviks were opposing not national self-determination, but the attempt of a reactionary *bourgeoisie* to rape their workers from union with the triumphant Russian proletariat, is perhaps permissible in the case of Finland and Poland, and certainly the confusion of governments in the Ukraine called for intervention, but in Georgia, where the Social Democrats (Men-

sheviks) had an overwhelming majority and were seeking to make of their country 'a new Switzerland between Europe and Asia', the Red Army's violent incorporation of the small State into the Great Russian Empire flatly violated Lenin's original principle of self-determination.

Russia emerged from the four-year struggle intact but destitute. As in the past, she needed contact and commerce with the West in order to restore her ruined economy. As always, she feared and distrusted the West as greatly as she needed it. Strategically, too, her problem had not changed. There was no mistaking the outside world's hostility. To the east, Japan had threatened at one point to overrun Siberia and only America's intervention in 1921 and 1922 secured her withdrawal; to the west, the peace treaties set up a ring of States to exclude Russia from Europe and deprived her of her Baltic outposts.¹ Security thus remained the fundamental problem of her foreign policy.

The Failure of World Revolution

The central fact in the first years of peace was the failure of world revolution. After the German fiasco in 1923 it was clear even to the most obstinate theorists that capitalism had reasserted its position in Europe, and although the revolutionary ferment lasted longer in China and as late as 1926 Moscow still had good hopes of achieving a Union of Chinese Soviet Republics, in 1927, with Chiang-Kai-Shek's violent repudiation of Communist support, that hope faded and the Russian leaders had

¹ See Oxford Pamphlet No. 27, *The Baltic*, by J. Hampden Jackson.

to accommodate themselves to an unrevolutionary world.

The adjustment was simplified by changes in the internal structure of the Soviet State. As long as Lenin lived, the Comintern and the need to establish normal diplomatic relations with the outside world remained at cross purposes. In 1923 Russia was on good terms with Persia, Turkey, and Germany only. But the activities of the Comintern led to the banning of Communism in Turkey, to growing difficulties with Persia, and after the Communist *coup* in Germany in 1923, to a temporary but definite cooling of relations which had been restored a year earlier at Rapallo on a very cordial basis. In other States the subterranean activities of the Comintern were constantly foiling the Russian Government's attempts to win recognition. A notable example was offered by Great Britain, where, in 1924, the resignation of the Labour Government which had established diplomatic relations with the U.S.S.R. was largely due to the storm raised by the discovery of Comintern propaganda, including the celebrated Zinoviev letter.

Stalin

Russia, under any leadership, would have had to come to terms with the failure of world revolution and the necessity of national security. Under the leadership of Lenin's successor, the accommodation was soon made. Unlike the other Bolshevik leaders, Stalin had spent his entire career as a revolutionary inside Russia. He was not by personal experience an internationalist, and since he was no theorist study had not taken the place of travel.

As an intellectual his talents were very mediocre: as an organizer, a bureaucrat, a shrewd politician, they were superb. His interest from the first was the situation within Russia rather than any international repercussions. Once the Bolsheviks had seized power, it was that power and the organizing of it which obsessed him, not the encouragement of similar seizures of power elsewhere. When the other leaders talked of 'permanent revolution' and the necessity of world conflict he was silent. When his time came to speak, it was towards 'Socialism in a single State' that he directed the energies of the Communist party. He did not abandon the terminology of the revolution, but he accelerated and completed the process (already inherent in the Russian situation) of using it to express national and not revolutionary facts. After the suppression of Georgian independence in 1921 Lenin blamed Stalin bitterly and called him 'a Great-Russian chauvinist'. Even at that time the lines of the future dictator's development were clearly marked.

In achieving supreme power, it was in the first place the internationalists, the 'permanent revolutionaries'—Trotsky, Zinoviev, Kamenev—that Stalin managed to oust. Naturally enough, the Comintern tended to fall into the background. Its heresy-hunting, its rigid policy of non-co-operation with other Left Wing groups had already condemned it to sterility. Now even the Russian Government lost interest. Between 1924 and 1935 the Comintern held only one International Congress at Moscow, in 1928, to give its blessing to the Five-year Plan, in other words, to approve what was

virtually its death-warrant, since the Plan spelt 'Socialism in a single State' and a truce to world revolution. Local Communist groups ceased to have any particular revolutionary significance (in Spain, for example, the Primo de Rivera dictatorship did not even consider them worth banning), but tended to become unofficial and often unconscious agents of the Russian Government; yet another example of the substitution of the national for the revolutionary, without any change of terms or break in continuity.

The Peaceful Years

The world situation was undoubtedly unfavourable to revolution. Between 1924 and 1929 Europe lived through its Genevan idyll, with Japan a virtuous and co-operating League member and the United States outlawing war through the medium of Mr. Kellogg. Nobody threatened the Russian State, which, in the throes of a gigantic scheme of industrialization, needed co-operation with the more advanced States of the West. The formula for her foreign policy came to be 'friendly relations with any State irrespective of its internal régime', with a certain bias, however, towards those States which considered themselves the losers at Versailles. Diplomatic and commercial relations were restored with Italy as early as 1924. A Treaty of Friendship with Turkey was signed in the following year, and Russia's relations with Germany, based on the Rapallo Treaty of 1922 and the Treaty of Friendship and Non-aggression signed in Berlin in 1925, went far beyond the limits of cordial but correct diplomacy.

Under the Weimar Republic the extremists were silenced for a time. The moderates, representing the German army and German industry, came into their own, and it was their policy which now prevailed, that of co-operation with Russia as an ally and an equal in an exchange from which both parties could draw political and economic advantage. The General Staff also relied on Russia as a training-ground for its forbidden armies; armament factories were set up on Russian soil and the Reichswehr continued its training with the heavy weapons forbidden at Versailles. Once the Five-year Plan was launched, Russia's need for outside help grew much greater, and in 1932 the trade between the two States touched a record figure.

On the Far Eastern front, while Japan scrupulously observed the policy of a good neighbour, China was torn and weakened by civil war. Neither to west nor to east was there any apparent threat to Russia's security, which for a time became less important than internal reconstruction. Foreign policy was concerned with trade returns, foreign exports, and foreign loans, and there was comparatively little ordinary diplomatic activity.

Non-Aggression Pacts

What there was conformed admirably to the Utopian character of the contemporary conduct of foreign affairs. Since no State at that time appeared to be contemplating war, the multiplication of declarations outlawing war was felt to contribute to security. Russia added her quota in the Litvinov Protocol of 1929 by which Latvia, Estonia, Lithuania, Poland, Rumania, Turkey,

and Persia, the frontier states, agreed with Russia to adjust their relations to the Kellogg Pact. Russia came near to raising the idea of 'non-aggression' to a first principle of foreign policy. The Litvinov Protocol was followed by a host of 'non-aggression' pacts, negotiated during the course of 1930 and 1931 and signed and ratified in the following year. They covered the Baltic States, Finland, Poland, and France. The Pact of Friendship with Italy, although it was signed in 1933, belongs to this period. The only other field in which Russian activity was remarkable was the Disarmament Bureau at Geneva. Here Russia defended the general thesis of disarmament as the only guarantee of peace; on particular points, she tended to support Germany and Italy, the 'Have-nots' of Versailles.

The Eclipse of the Comintern

Russia's concentration at this time upon economic contacts and peaceful diplomatic relations with the outside world was yet another sign of the extent to which national interests had usurped the place of the revolution. In 1929 the economic crisis smote the economies of the world, and with the capitalist system doing all the irrational and destructive things Marx had predicted, Communists seemed to be offered an unrivalled opportunity for revolutionary activity among the growing armies of hopeless unemployed and starving peasants. Actually the Comintern reached a record pitch of futility during the worst years of the crisis. Its obstinate refusal to admit that any other Left Wing group was serving the cause of

world socialism and its fanatical hatred of the reformist Socialist movements of Western Europe condemned it to isolation and sterility.

Wherever it did succeed in increasing its voting strength, it paved the way for its Fascist enemies by dividing and weakening the labour movement and even by co-operating with extreme Right Wing elements such as the Nazis in their attack on the Social Democrats ('Social Fascists' as the Communists called them). Meanwhile the Soviet Government gave only limited support to the Communist parties abroad and continued to concentrate its efforts on winning help and markets in order to tide over the gigantic economic difficulties created by the First Five-year Plan.

Manchuria and the Nazi Revolution

The futility of mere non-aggression pacts and the dangers of a semi-isolated position were brought home to Russia in September 1931, when Japan invaded Manchuria and within a year had established a military colony on Russia's flank and was pressing forward into Inner Mongolia towards the frontiers of Russia's Outer Mongolian puppet State. The blow fell at an extremely embarrassing moment for Russia. In the south, a virtual civil war had developed over the question of collectivization. The Five-year Plan was passing through its most critical phase. Russia's Far Eastern army, which had been planned as early as 1929, still existed largely on paper. Under the circumstances, there was little Russia could do on the eastern front save restore diplomatic relations with China which had been broken off in 1927.

In the West, too, the diplomatic situation was deteriorating under the stresses of the economic crisis. Germany, the Germany of Weimar and Rapallo, stood on the verge of dissolution. A military dictatorship had replaced the democratic system with which Russia's relations had been almost consistently excellent. In January 1933 Hitler became Chancellor, and now Russia had to adjust herself to the Nazi régime.

With Hitler the extremists returned to power, and the policy laid down in *Mein Kampf* was an almost verbal reproduction of General Hoffman's views, envenomed, however, by the German dictator's pathological dislike of Communism. Hitler wrote: 'We finally terminate the colonial and trade policy of the pre-war period and proceed to the territorial policy of the future. But if we talk about new soil and new territory in Europe to-day, we can think primarily only of Russia and its vassal border states.' In spite of the fact that during his first comparatively unstable months in power Hitler denied that his hostility towards Communism in any way affected his attitude towards the U.S.S.R., and in May 1933 even sanctioned a protocol prolonging the Berlin Treaty of Friendship, the Russians had to count on the likelihood of a resurgence of the spirit of Brest-Litovsk. With Japan advancing in Mongolia and the Nazis casting hungry glances at the Ukraine, a flimsy shield of non-aggression pacts¹ offered a poor semblance of security, and thus in 1933 Russia

¹ In July 1933 Russia added to the pacts of the previous year non-aggression pacts with Afghanistan, Estonia, Latvia, Persia, Poland, Rumania, Yugoslavia, Turkey, and Czechoslovakia.

was faced with the necessity of inventing a foreign policy. Not that the aims behind it varied; they were, as always, the security and integrity of the Russian State and the safeguarding of Russian interests. It was the methods that called for radical overhaul.

In 1933 Stalin had the choice of two paths. On the one hand he could base his policy on the assumption that Hitler's extremism was for internal consumption only, and that German foreign policy would not depart from the line of 'co-operation and equal partnership' adopted by the moderates. A direct understanding with Hitler, closer economic relations, and, if possible, a new non-aggression pact would all help to demonstrate Germany's sincerity while securing Russia's western flank and discouraging predatory adventures in the Ukraine. But Stalin had also to reckon on the possibility of Hitler's complete sincerity. Occupation of the Ukraine might be an article of faith in his fanatical creed. Stalin had few illusions about Russia's military chances if she stood alone with Japan on her flank and her industrial system still in process of becoming. He needed allies. He needed to ensure that, if Russia fought, she would not fight unaided.

Russia joins the West

An obvious first step was to become part of the European system of collective security. The French had long realized that international law and the sanctity of treaties constituted the finest guarantees of the *status quo*. Hitherto Russia had on the whole been opposed to the *status quo*

established at Versailles in virtue of which she had lost her European outposts. Now, however, the buffer States, which a few years before had seemed so many barriers to cut Russia off from Europe, were transformed into breakwaters against the German advance. Russia had therefore every interest in upholding the *status quo* in Eastern Europe and could join whole-heartedly in a system of collective security designed to stabilize existing conditions. In 1934 she entered the League of Nations as a permanent member of the Council.

Various obstacles still stood in the way of fuller co-operation with the West; the most serious was undoubtedly the continued distrust of Russia and Communism prevalent in conservative circles in both the great democracies. In France, fear of Hitlerism was sufficient to convert the Right Wing Tardieu Government to the necessity of a Russian alliance, and Barthou was determined to include the Soviets in his Grand Alliance. In Great Britain, however, the Conservative Government took a more cautious line, and in 1935, the year in which Russia's new policy was crowned with striking success by the conclusion of pacts of mutual assistance with both France and Czechoslovakia, Stalin got no more than the visit of two Cabinet Ministers from Great Britain.

The Popular Front

Stalin was at pains to alter the hostile attitude of the Western World. Between 1934 and 1936, with the agricultural problem dormant, the first

Five-year Plan completed, the second embarked upon, and the standard of living rising steadily, the Soviet Union passed through one of the most promising and stable periods of its short existence. Everything was done in the way of propaganda to impress this promise and this stability on the outside world. The revolution was over. Russia was now the world's greatest factor for peace, the only genuine democracy, the world's most progressive State. In 1935 a new Constitution was announced, 'the most democratic in the world', in which, together with the new economic freedom, all the old *bourgeois* liberties were to be restored. The campaign was to a certain extent successful. The cult of Russia caught on.

Stalin was not content to popularize his country as the democratic ally of the West in this direct fashion only. The years 1934 and 1935 saw a sudden resurgence of the Comintern. So long as it sought exclusiveness and excommunicated every other Left Wing movement on grounds of heresy, its career had not been glorious. In 1934, however, the Russian Government's interest in it revived. Just as in the larger sphere of inter-State relations Russia now saw herself obliged to seek alliance with the non-revolutionary, *bourgeois*, but still democratic West in order to withstand the greater danger of Nazi Germany, so now in each national Communist party a common front with other 'progressive' elements against Fascism became the accepted strategy.

The change of front was immediately and surprisingly successful, especially after the appointment of Dimitrov, the brilliant Bulgarian defendant

at the Reichstag Fire Trial, to the office of General Secretary. Whereas the Communists, purveying nothing but the pure doctrine of Marx, had been able to touch only the merest fringe of the various Western communities, transformed into the spear-head of a strong anti-fascist movement they gained supporters on every side. Comparatively few people had any great desire to be orthodox Marxists, but thousands were genuinely revolted by Fascism. In France, a Popular Front Government came to power in 1936, little more than a month after a similar success in Spain. The Communist vote increased in Czechoslovakia; even in Britain and the United States, Left Wing politics took on a new dynamism. And since the Communists proper in every country had not lost their character of national agents for the Russian Government, Stalin could command in a number of States a body of devoted and disciplined followers prepared at all costs to carry through his policy. In the spring of 1936 it looked as though the new tactic of co-operation was completely vindicated.

The Anti-Comintern Front

Actually the two sides of the policy, international co-operation on the one hand and inter-progressive co-operation on the other, were at cross purposes. It was the old tale of the early Comintern over again. The attempts of the local Communist parties to work up enthusiasm for Russia actually hindered the Russian Government's attempts to draw closer to the West. However much Stalin might now pursue a policy of national self-interest

aimed at security, he could not live down his revolutionary past. The Popular Front might put all its emphasis on fighting Fascism. Communism continued to suggest the abolition of private property, the overthrow of the established order, godlessness, materialism; the stronger and more vocal the Popular Front movements became the more distrustful grew Conservative opinion of local Communism and of the Moscow leaders alike.

Hitler and Mussolini were almost certainly aware of the West's unwillingness to play the Russian game. Their anti-Comintern policy was specifically designed to foil Russia's propaganda. Italy had for long years maintained cordial relations with the Russian Government and at first even Hitler was diplomatically correct. Once Russia launched her policy of Western alliances and found an opposite number in France, both Germany and Italy discovered their duty to 'defend Europe against the Bolshevik contagion'. They posed as the upholders of law and order against the forces of confusion and anarchy. They played on the Conservatives' fear of Communism to counteract Russia's growing hold on the Left. Their sudden championship of 'European civilization' was of course as cynical as Russia's sudden conversion to collective security. The determining factors on both sides were those of national interest.

Everything turned on the attitude of the West, or rather, since France could not afford to lose Britain's friendship, on the attitude of Great Britain. The first test came in March 1936. The

reoccupation of the Rhineland was Hitler's answer to the Franco-Soviet pact, to France's 'policy of encirclement'. Restrained by Britain and divided in counsel at home, France accepted the *fait accompli*.

Civil War in Spain

A far more serious test followed within four months. In July 1936 civil war broke out in Spain, and before long it was clear that General Franco was receiving help from Italy. Russia was at first clearly embarrassed by the outbreak of genuine social revolution at a time when she was just beginning to establish her respectability *vis-à-vis* the West. Until it was clear that other foreign Powers were intervening, Stalin made no move.¹ Once the fact of intervention had been clearly established, two reasons appear to have decided Stalin to send aid to the Spanish Government. On the one hand, a quick victory for Franco and his Fascist backers threatened to create an awkward military problem on France's southern frontier. France was Russia's ally. It was not in Russia's interests to see her efficiency impaired. But Stalin also seems to have hoped to capture the Spanish State machine (through the medium of local Popular Frontists and imported OGPU men) and by establishing a sphere of interest in the West, to force closer relations on the Western democracies. Accordingly interven-

¹ André Gide, travelling in Russia in the summer of 1936, was surprised and shocked to find that the Russians had been left in complete ignorance of the Spanish War. Their leaders had not then made up their minds.

tion began. The International Brigades held Madrid in November 1936 and supplies began to arrive from Russia. Once more, however, the West failed to respond. The genuinely revolutionary side of the Spanish Civil War roused all the old distrust. However much the Negrin Cabinet might follow the Russian line of '*bourgeois* democracy', they were tarred with the brush of every massacre and of every expropriation that had taken place. Russia, too, began to lose caste in 1936. The great purge had begun, and here was the ruler of the most democratic State in the world making most undemocratically short work of his opponents.

This situation played straight into the hands of the anti-Comintern States and convinced many perfectly sincere people that Germany and Italy were fighting the battle of western civilization. Others who did not go so far nevertheless argued that the best thing for the West would be a war between Germany and Russia, and Russia grew justly suspicious of the equanimity with which the western world talked of Hitler's drive to the East.

The years 1937 and 1938 were anxious ones for the Kremlin. The German-Japanese pact of November 1936 was extended to include Italy in the following year. The forces of anti-Communism appeared to be consolidating their alliance, whilst the anti-Fascist front grew daily weaker. A Radical Government had replaced the Popular Front in France. Russia was silently liquidating her intervention in Spain. In China, where the Popular Front policy had brought the civil war between Chiang-Kai-

Shek and the Communists to a close in 1936 and enabled the Chinese to face the Japanese onslaught as a united people, the battle was going badly for Russia's allies.

The Czech Crisis

The Czechoslovak crisis was the culminating point in this deterioration. The Czech State had pacts of mutual assistance with both France and Russia. The Bohemian mountains with their modernized defences were universally recognized as a bastion against a further German advance to the East. France's ability to preserve any of her influence east of Switzerland and to combat German hegemony in Eastern Europe thus depended upon her willingness to preserve Czech independence. Russia's interests were equally apparent. Recent months had seen a steady growth of propaganda in Germany about the Ukraine. The idea of creating, under German control, a puppet Ukrainian State forty millions strong stretching from the Caucasus to the Carpathians was openly canvassed and encouraged in Berlin. If Russia were to ward off a thrust which appeared to be aimed at the heart of her territory, it was in her interests to fight the battle in Bohemia; but she could not do so alone. Everything depended on the willingness of the West to co-operate in the defence of Czechoslovakia. When, in July and August, the crisis came to a head, the western democracies were not willing to take up arms, and the dismemberment of Czechoslovakia was decreed at Munich at a conference between

Britain, France, Germany, and Italy to which Russia, France's ally and Czechoslovakia's guarantor, was not invited. The policy of co-operation with the West was completely bankrupt.

Isolation

In the autumn of 1938 Russia found herself in a position of extreme jeopardy. Hitler's objectives during those months were thus summarized by M. Coulondre, the French Ambassador to Berlin: 'To become master of Central Europe by transforming Czechoslovakia and Hungary into vassals, then to create a Great Ukraine under German hegemony.' Russia had now no allies. France, sunk in disgrace and apathy, appeared ready, in the person of M. Bonnet, to abdicate her influence in Eastern Europe and to agree with Ribbentrop that the pact with Russia was 'a survival of the Versailles policy of encirclement'. Britain still seemed to hold the complacent belief that Hitler only wanted his Germans back and that now it was 'peace in our time'. There was little Russia could do. In December rumours were abroad that she had proposed a *rapprochement* to Poland. In January 1939 it began to be known that approaches were being made to Berlin.

In point of fact there was nothing new in this development. It is important to remember that the policy of co-operation with the West was an expedient only. It was not an exclusive policy. Throughout the fiercest verbal battles between the Nazi and the Soviet Governments, diplomatic relations had been maintained, loans granted,

goods exchanged. It was known that a number of influential Nazis did not share their Führer's passionate dislike of Russia. Through these men, contact between the two Governments was maintained. It had not escaped the Kremlin's notice that virulent anti-Communism had been unleashed in Germany and Italy only *after* the signing of the Franco-Soviet pact. Now that collaboration with the West had proved impossible, there were at least grounds to hope that Germany's hostility would relax. The difficulties in the way of understanding in the early days of 1939 were in part due to the fact that Hitler himself still seemed determined to pursue his anti-Russian policy,¹ in part to the West's apparent abdication from any intervention in Eastern Europe. Not only were Hitler's objectives clear; the road, too, was open.

Prague and After

Yet before three months of the new year were out the road was closed. In March 1939 Hitler invaded the remainder of the Czech State and the Nazi flag flew over Prague. The international reaction was profound. France, already braced by Italy's jackal cries of 'Corsica, Tunis, Nice', stood firm. Britain realized at last that it was on European hegemony and not the redemption of Germans that Hitler had set his heart. Joint Allied guarantees were hastily given to Poland and Rumania.

¹ On 7 February Ribbentrop told M. Coulondre that 'the struggle we have undertaken is unrelenting. Towards the Soviets we shall remain as firm as bronze. We shall never reach an accord with Bolshevist Russia.'

Russia's offer, made immediately after the invasion of Czechoslovakia, to meet peace-loving Powers in conference at Bucharest was dismissed as 'premature'; yet in April the British Government opened negotiations for a Russian alliance.

Here was an altogether unexpected transformation of Russia's fortunes. The Nazis' plan for the Ukraine had largely depended upon the acquiescence of the West, which, after Munich, Hitler believed himself to have secured. After Prague, France and Britain suddenly thrust a *cordon* of guaranteed territory between Hitler and his goal. But Hitler, like Stalin, had an alternative policy. If the West chose to block his path he was prepared to accept their challenge. Moscow had been pressing for negotiations for months past. It was time to return to the old German policy of Weimar, the policy of the moderates, the policy of agreement with Russia and economic and political co-operation. The German Government, which in February had been urging Poland to participate in the partition of the Ukraine, now accepted the Russian overtures, and negotiations began. At roughly the same time (the first weeks of April) the British Government likewise suggested negotiations, and for the following four months the exchanges continued simultaneously between Moscow and Berlin and Moscow and London.

From the first the scales were heavily weighted in Germany's favour. The advantage did not spring from any kind of ideological sympathy. The U.S.S.R. distrusted both her opposite numbers with Russia's traditional xenophobia. The Nazis had been ready until a few weeks before to invade Soviet territory,

while certain influential circles in the democracies would have been glad to see them do so. Germany's trump card was the fact that by renouncing—even if only temporarily—her Ukrainian project, she needed only to ask Russia to remain neutral in the event of an attack upon Poland. Britain had to ask for active collaboration, difficult enough in any circumstances but virtually impossible now that the Allies' guarantee to Poland had destroyed Britain's one bargaining-counter, Russia's fear of a German invasion. The Allies in fact were asking Russia to fight *their* war against Germany when for four years they had steadfastly refused to fight *Russia's* war against Germany. To begin negotiations at the very moment in which Hitler abandoned his original anti-Russian policy in order first to crush the West was to court failure. The Allies had literally nothing to offer Russia, and since the original condition of an agreement—Russia's goodwill—was thus lacking, the technicalities of the negotiations were of minor importance. Mutual guarantees, the definition of indirect aggression—all these were trivial points compared with the principal obstacle, the Polish guarantee which ensured in advance that the war in the East would be fought by the Western Powers.

Germany's negotiations were eased by the fact that, quite apart from asking nothing but neutrality, she had no scruples about the independence of third parties. The partition of Poland, the cession of strategic outposts on the Baltic, were probably agreed on in advance, since Russia's bargaining-position was enormously strengthened by the presence of a British delegation in Moscow. By

24 August an all-embracing settlement had been reached and a Non-aggression Pact signed. A week later Europe was at war.

Russia and the War

The war resolved Russia's immediate problem of security, for no European Power was for the time being in a position to attack her. But once the occupation of Eastern Poland had been carried through and the new boundary fixed by the German and Russian authorities on 29 September, Russia's acquisition of hundreds of miles of open—undefended—frontier with the German Reich held obvious strategic difficulties in store for the future. The ideal outcome of the European conflict from the Russian standpoint was obviously a war of exhaustion with both sides fighting each other to a standstill. Under *those* circumstances, the problem of Russia's security would be automatically solved, and the distress and disorder bred of prolonged warfare might provide favourable ground for Communist propaganda and the creation of satellite Soviet States.

Russia had, however, to count on the possibility of an overwhelming victory by one side or the other, in which case the victors' appetite for expansion might once more be whetted by Russia's great domains. The temporary security of the war in the West gave Russia the opportunity to consider both the problem of permanent security and the means of ensuring it. In October the Turkish Foreign Minister was summoned to Moscow and the Soviet Government made a determined effort to secure the closing of the

Black Sea to the navies of non-riverain States, but the attempt was unsuccessful. In the north, Russia met with little opposition at first. Mutual assistance pacts were signed with the Baltic States, which 'acquiesced' in the cession of islands, the leasing of harbours and airfields, and the garrisoning of strategic points. When the turn of Finland came and similar demands were made the Soviet Government met the kind of stubborn resistance that had already been offered by the Turks. The outcome, however, was different, for Finland lacked Turkey's allies, and on 30 November Russia invaded Finland to take what the Finns would not cede.

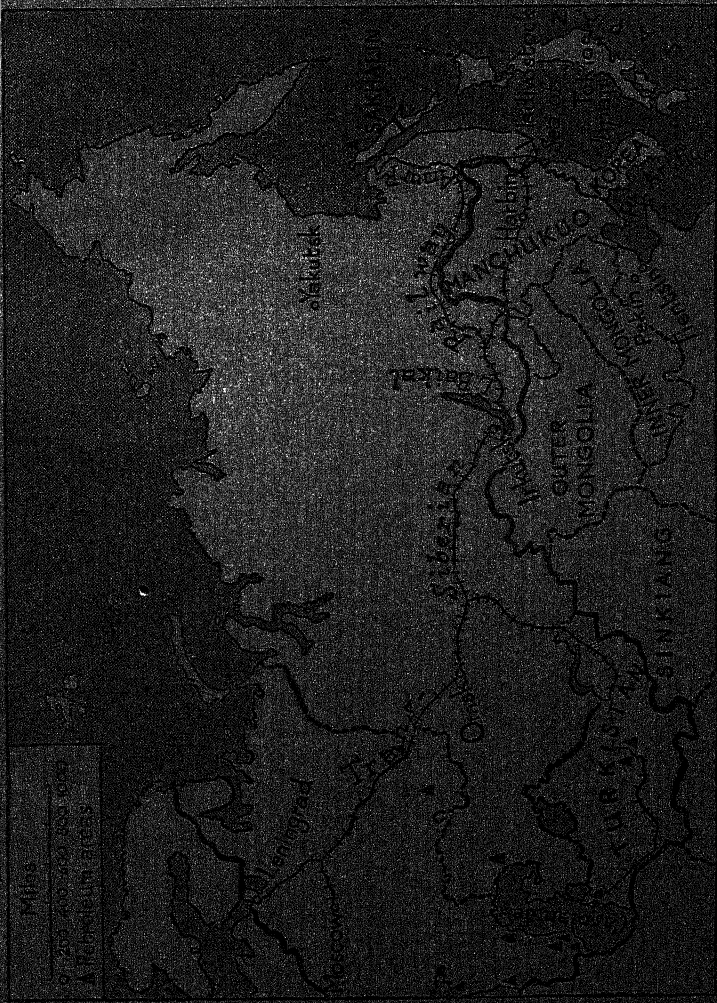
At first, Stalin's anger at the obstinacy of a small neighbour led him to decree the annihilation of its independence and to set up a puppet Soviet Government, but the absolute unity of the Finnish people, their heroic defence, and the heavy toll on Russian lives and resources led the Kremlin to modify its policy. When the time came to negotiate, the Russians exacted no more than considerably severer strategic concessions. The Finnish War has been widely described as the renaissance of Russian imperialism. It is so only in so far as it conforms to *one* of the guiding lines of traditional Russian imperialism, that of expansion in search of greater security. All Russia's political and military activity in the winter of 1939-40 was designed to increase her strategic defences while her most powerful adversaries were engaged elsewhere. In terms of purely national interest the invasion of Finland was on a par with Hitler's annexation of the Sudetenland and equally defen-

sible on strategic grounds. The most displeasing factor in the Finnish War was the use of revolutionary jargon—'freeing the workers', 'crushing the Mannerheim clique', and the rest—to cover a manoeuvre of purely national and strategic importance. However, the fusion or confusion of revolutionary and national terms was as old as the régime itself.

If Russia's main preoccupation since the war began has been the achievement of additional strategic security, the war in the West has engaged her anxious attention, particularly at moments when it has threatened to spread to her territory. The fear that the Allies would attempt to strike at Germany by helping Finland undoubtedly increased Russia's readiness to negotiate with Finland and during the three months of the Finnish war enabled the Nazis to wring a number of new economic concessions from their Soviet partner.¹ On the whole, however, Germany has gained little from the U.S.S.R. but its neutrality, for Russia, since the outbreak of hostilities, has been in an admirable position to pursue a policy based on the balance of power, which is the policy best calculated to keep her aloof from the struggle and at the same time to prolong it until both combatants are exhausted. Russian security demands the complete victory of neither side, but, disliking and distrusting them both equally, Russia shows few signs of intervening actively to redress a balance tipping too dangerously to one side or the other.

¹ The first economic agreement was signed in August 1939 and allowed for an exchange of goods between the two countries to the extent of roughly 200 million Reichsmarks. In February 1940 this figure was raised to 1,000 million RM.

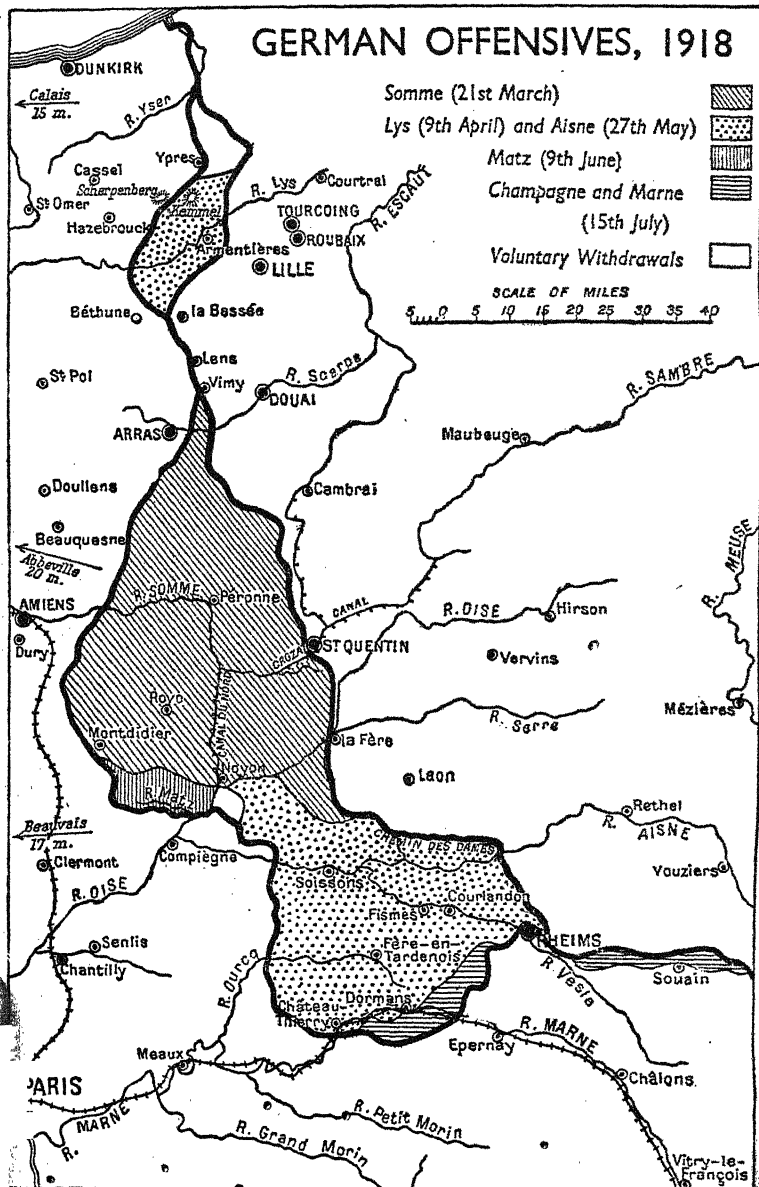
Only one thing is certain in Russia's future policy: its underlying principle, security. But what annexations, what alliances, what compromises, defeats, or triumphs the pursuit of security will bring, not even Russia knows.



Miles
0 250 500 1000
Kilometers

ASIA AND THE USSR

GERMAN OFFENSIVES, 1918



OXFORD PAMPHLETS ON WORLD AFFAIRS
No. 35

WAS GERMANY
DEFEATED IN
1918?

BY
CYRIL FALLS

OXFORD
AT THE CLARENDON PRESS

1940

8. 12. 1940

THE chief aim of German propaganda for many years past has been to assail the Treaty of Versailles. At the same time, and with equal insistence, the Germans have set themselves to persuade the outer world, as well as their own people, that Germany was never defeated in the military sense in 1918. 'The German Army was and is invincible. Germany in 1918 was betrayed, "stabbed in the back" by Jews and Communists. Had it not been for this treachery on the home front, the army could have fought on to victory.'

In this Pamphlet Captain Cyril Falls describes the campaigns of 1918, the circumstances leading up to the signing of the Armistice, and the terms of that Armistice. On the evidence of the German Commanders themselves Germany was utterly defeated by military force.

Captain Cyril Falls is the Military Correspondent of *The Times*. In the last war he served in the Royal Inniskilling Fusiliers, on the General Staff, and as Liaison Officer with the French. From 1923 to 1939 he was employed on the official military history of the war. His most recent unofficial work is a biography of Marshal Foch, published in 1939, from which the two end-paper sketches in this pamphlet are taken by kind permission of the publishers, Messrs. Blackie and Sons Ltd.

First published, 27 June 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS Amen House, E.C.4
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

WAS GERMANY DEFEATED IN 1918?

I. THE 'STAB IN THE BACK'

IN his speech on 8 November 1939 Hitler declared: 'Britain and France did not defeat us on the battle-field. That was a great lie.' The power of the spoken and written word will not be underestimated in these days, when propaganda ranks equally with the bomber and the machine-gun as a weapon. The statement that Germany was not defeated in 1918 but was 'betrayed', or, less crudely, that the German Army was not defeated but was stabbed in the back by the disaffection of the homeland, is an instance of propaganda at its most successful. It was directed first of all to Germany herself, to repair the prestige of her beaten forces and the spirit of a vanquished nation. It was cleverly and insistently applied, and its effect became apparent long before the Nazi Revolution destroyed freedom of thought. It next began to make its mark in the outer world, especially in Great Britain, though French national pride rejected it. Some British writers lent themselves only too readily to its purposes. It took various forms: Germany was tricked into peace by President Wilson; Germany was starved into surrender by the blockade; Germany was betrayed by the Socialists and Communists—the Nazis added, by the Jews.

The answer to these inconsistent statements is that in fact Germany was forced to sue for an armistice by defeat inflicted upon her and her

Allies, and that President Wilson had nothing to do either with her necessities or with the terms imposed upon her, though he was concerned with the transmission of her plea; that the blockade—a legitimate weapon which she had striven to counter by the illegitimate weapon of unrestricted submarine war—was only a contributing factor, though a powerful one, in her defeat; and that no move was made by Socialists or Communists until that defeat had been accomplished. It may be added that any weakening which occurred in German troops serving or having served in the East through infection with Bolshevism was largely due to Germany's own action in encouraging the spread of Bolshevism in Russia and especially in sending Lenin into the country in a sealed train, like a microbe in a glass tube.

Causes contributing to Germany's Defeat

Many causes contributed to the defeat, as has been the case in most wars. The blockade played a great part. It deprived Germany of vital necessities such as rubber, so that at the end of the war the wheels of her mechanical vehicles were largely shod with iron, which reduced their pace and ruined the roads. In 1918 the home population went definitely short of food, and even the Army, which got the best of everything, could not eat to the satisfaction of hunger. The military ration was adequate to enable the troops to perform their duty, but no more. Ernst Jünger, who is not only one of the most brilliant but also one of the most honest of German writers on the personal and psychological side of the war, mentions that his company

had not the energy to play a game of football when out of the line. Several other writers have described how eagerly the men cut steaks from horses killed by artillery fire. The blockade also accentuated the effects of the vast consumption of resources by the war machine, which resulted in failure of the economic machine to keep pace with the needs of the country.

Yet it is as great a fallacy to say that Germany was defeated by the blockade as to say that she remained undefeated. Among other causes were the greater inventiveness of the Allies in the production and use of weapons. The rolling or creeping barrage, the tank, smoke-shell as a screen, indirect machine-gun fire, all stand to their credit. The employment of gas, against the recognized usages of war, was, it is true, a German invention, but it was one which Germany was singularly ill advised to initiate in view of the prevalence of westerly and south-westerly winds, and it was turned against her with deadly effect.

The defeat of Germany's Allies in the field, especially that of Bulgaria, hastened the end, but not before that had become virtually inevitable. The Allies' propaganda was more effective than the German. Their man-power was far superior, though there was a period between the defection of Russia and the effective entry of the Army of the United States into the struggle when their forces in the West were inferior.

The German Army was Defeated in the Field

But the defeat of Germany was above all what the Germans have so persistently denied, a defeat

in the field. The great series of reverses suffered by the German armies during the final 'Battles of the Hundred Days' were led up to and conditioned by the attrition to which those armies were subjected in 1916 and 1917, and by the exhaustion and loss caused by their own offensive in early 1918. It was not the blockade, still less Jewish influence, which reduced the German forces to a mere framework; it was the shell and the bullet, surrender, and to a fairly large extent desertion. A quarter of the Army was captured by the Allies in the Battles of the Hundred Days, not to speak of possibly another quarter killed or wounded. Again, the Germans were driven behind their last prepared line of defence. Why did they not retreat to their frontier, or even to the Rhine, where the Allies could not have effectively attacked them before the spring? The answer is, because they could not. They had been forced back into a position in which, strategically speaking, they were cut in two by the barrier of the Ardennes, and their lateral communications were hopelessly blocked. They could not go on fighting on the retreat. They fought to the last, but had to submit to avoid complete catastrophe.

It was only when defeat became certain that revolution raised its head. Revolution was, indeed, the consequence, not the cause, of defeat. Before proving the truth of this statement by the admissions of German political and military leaders, it will be worth while to sketch briefly the events of 1918, a summary of which will reveal the plight in which the German armies found themselves in that November. But, first let us recall the vivid phrase

of General Mordacq, which so well expresses the naked truth:

'It was only in November that the German Armies received the famous dagger thrust dealt by the Socialists, in a truly German fashion. But this dagger thrust was no longer necessary, because the Allies had already administered it, and that straight to the heart.'

2. THE ALLIED VICTORIES OF 1918

The Battle of the Somme not only weakened the German Army but also scared the German commanders. Falkenhayn had always, so to speak, been fighting for a favourable draw. His real successor, Ludendorff—for Hindenburg's influence, though vital, was chiefly in the moral sphere—as a result of what he saw on his arrival on the Western Front, came to the conclusion that defeat was inevitable if the war lasted. 'We were completely exhausted on the Western Front,' he says, and again: 'The Army had been fought to a standstill and was utterly worn out.' But he had the gambler's temperament and would never fight for a draw. He therefore allied himself with the Chief of the Naval Staff, Admiral von Holtzendorff, who guaranteed that unrestricted submarine warfare, if begun on 1 February 1917, would force Britain to sue for peace before 1 August. At the same time he prepared the famous rear line of defence, the Hindenburg Line or *Siegfried-Stellung*, as a precaution. He also instituted a new system of defence in depth, which without a shadow of doubt saved Germany from collapse in 1917.

Thanks largely to his tactical genius but also to the defection of Russia and to Allied blunders, the

German Army survived the offensives of Arras, the Aisne, Messines, Ypres, Malmaison, and Cambrai. After the Armistice of Brest-Litovsk the Germans obtained superiority of numbers on the Western Front, and again the gambler's spirit possessed the First Quartermaster-General. The U-boat campaign, successful as it had been, had declined without obtaining the promised decision. Now he would rout the Allied armies before the Americans could intervene effectively.

The German Offensive in 1918

The great German offensives beginning on 21 March 1918 dealt the Allies a series of shattering blows, but once again they failed to bring about a decision. Though the sanguine were thrilled by their success, the more prudent saw danger all the time beneath the brilliant façade of victory. 'The Supreme Command is not telling the truth,' said one. 'Foch has something up his sleeve; he is not merely darning holes. From his writings I know the military genius of Foch too well to believe that.' 'Germany's military situation is brilliant—and hopeless,' was another striking phrase uttered in the midst of triumphs. 'Before you take your last horse out of the stable, make an end,' said Max of Baden to Hindenburg. Even in June, before the first Allied counter-stroke had been delivered, there were 'many desertions'.

The four German offensives of the Somme (21 March), the Lys (9 April), the Aisne (27 May), and the Matz (9 June) were, however, great tactical successes, and if they failed in their strategic object they yet achieved considerable strategic advantages.

The Paris-Châlons railway, the main east-and-west artery, was cut at Château-Thierry. The Amiens-Paris railway was brought under artillery fire. The northern system about Hazebrouck was dislocated. The Allied armies were subjected to a strain which in all the three major offensives—for the Matz hardly counts as such—threatened to become unbearable. If German strategy had been on a par with German tactics the results might have been still more serious, in fact, catastrophic. The most fatal error of all was the following-up of an unexpectedly easy tactical success in the Aisne offensive. It had been undertaken mainly with the object of drawing in and defeating the French reserves, which had already twice moved to the aid of the British and so interfered with Ludendorff's plans. It should have been broken off directly that was accomplished and the heavy artillery immediately transferred to the north for a renewed assault upon the British in Flanders.

The Allies take the Initiative

Yet all the time Marshal Foch had in fact something up his sleeve—though at moments not much. He was not merely darning holes. He had planned counter-strokes against the flanks of the Château-Thierry salient, which were to be delivered on 18 July if the enemy had not attacked by then. The enemy did attack first, on the 15th, and made dangerous progress south of the Marne, but the blow of Foch was none the less delivered according to programme, and the French won their first victory of 1918. By the end of July the Germans had evacuated the salient and fallen back to the

Aisne and the Vesle. The capture of 30,000 prisoners and 800 guns, and the freeing of the main eastern railway, were the fruits of the second victory of the Marne.

This blow was a successful counter-stroke which nullified the effects of the German victory on the Aisne. In itself it amounted to no more than that, and Marshal Foch in his memoirs does not even include it among the Allied offensives. Yet it had one very far-reaching effect. It put the initiative into the hands of the Allies, whose strength was growing owing to the rapid arrival of American troops. Ludendorff for a time still hoped to launch his offensive against the British, but he had to weaken the reserves which he had assembled for the purpose, and he was never given an opportunity to reassemble them. And this passing of the initiative from the hands of Ludendorff to those of Foch was of immense importance because for the time being a number of factors which it would take too long to discuss combined to give the attack predominance over the defence, whichever side was the attacker.

The next Allied offensive was launched on 8 August, with the initial object of freeing the Amiens-Paris railway. It opened with a brilliant success, the Canadian Corps advancing six miles on the first day. When resistance stiffened at the gates of Roye the attack was transferred farther north and a great British assault launched on 21 August reached Bapaume on the 25th. Simultaneously a strong French attack south of the Oise gained valuable ground north of Soissons. On the 26th the battle-front was extended still farther

north by the British, who advanced from Arras. The Germans immediately abandoned the Roye line and fell back to the Somme and the Canal du Nord.

They were given no respite. The British broke through the famous Drocourt-Quéant Line or *Wotan-Stellung* on 2 September, and the enemy began a further series of withdrawals on a wide front to the Aisne near Vailly, Saint-Simon, and Gouzeaucourt. He also abandoned the gains he had made in the Lys offensive in Flanders, thus freeing the Hazebrouck railway system. About 130,000 prisoners and 1,800 guns had been captured in seven weeks of the counter-offensive.

The next move was made far away to the south-east, when the American Army attacked at Saint-Mihiel on 12 September, overran the German salient, took 16,000 prisoners and 450 guns, and freed the Paris-Avrincourt railway.

Allied Strategy

Hitherto the offensives, great as they were, had been of local nature, with the object of freeing railways and of eliminating the big salients in the German front. Henceforward a new type of strategy, suggested by Haig to Foch and welcomed by the latter, came into operation. It did not seek either of the immemorial roads to victory, the turning of a flank or a break-through. It was based upon the lie of the German communications. All the main railways on which the enemy relied to maintain his front from the Channel to Rhéims converged on Liège, where they passed through a

bottle-neck between the Dutch frontier and the Ardennes. The Ardennes, an area of steep ridges and deep-cut valleys, heavily forested and nearly 500 square miles in extent, was crossed by only one double-line railway of limited capacity. South of this great barrier the Germans disposed of a railway of first-class importance, which linked with the northern system at Hirson and ran through Mézières to Thionville, Metz, and Luxemburg. Important as it was, it would not bear the whole weight of a German retirement. The design was therefore to carry out a rapid advance against the vital rail (and road) junctions in the Douai plain, especially Aulnoye and Hirson, and simultaneously to thrust towards Mézières in order to prevent the enemy using for the purposes of reinforcement or retirement the lines north and west of it connecting with the main system through Liège. If this strategy were successful the enemy would be unable either to continue an effective resistance or to retreat. In addition Foch arranged another great offensive by British, Belgians, and French in Flanders with the object of first capturing the Passchendaele Ridge and then advancing upon the railway junctions of Ghent and Bruges in order to drive the enemy off the Flemish coast.

Franco-American forces were to lead off with the attack towards Mézières on 26 September; two British armies were to begin a thrust towards Cambrai on the 27th; the Flanders offensive was to start on the 28th; and on the 29th the right British Army and that on the French left were to attack in the direction of Saint-Quentin.

The Allies resume their Offensives

The right attack started well, but soon met with fierce resistance on difficult ground, a resistance which justified Haig's judgement, because it showed how sensitive was the enemy to any threat in that quarter. Haig's own blow next day was, however, far more decisive. The Canal du Nord was passed, the Hindenburg Line was breached, and the British stood on the outskirts of Cambrai by the following evening. On the 29th the attack towards Saint-Quentin was almost equally successful. The British breached the Hindenburg Line on this front also. In four days' fighting, from the 27th to the 30th, more prisoners were taken than were captured by the Germans in their four days of most overwhelming success from the 27th to the 30th of May on the Aisne. Excluding the captures of Débeney's French First Army, the British Fourth, Third,* and First Armies, with two American divisions, took 48,500 prisoners and 630 guns.

The Flanders offensive also went well, and on the second day, 29th September, the British and Belgians reached the Messines and Passchendaele Ridges. This ground, however, constituted the most tortured and shattered battle-field in France, and it was the ground rather than the Germans which, by rendering it impossible to keep up the ammunition supply, now held up the advance. Despite the urging of Foch, it was impossible to renew the offensive in this quarter for another fortnight.

The first week of October was occupied on the greater part of the front by preparations or by

following up German withdrawals. The forces most heavily engaged were those of the Americans, who made a series of short advances in face of hard opposition and frequent counter-attacks.

It was, however, natural that the Germans should resist foot by foot in this area, where they could afford to abandon no ground voluntarily. The pressure of the Americans and of the French Army on their left, following upon the breach of the Hindenburg Line and combined with a further thrust of the Allied centre between Saint-Quentin and Cambrai, brought about a rapid German withdrawal beyond Laon and north of the Oise to the neighbourhood of Le Cateau.

Headlong German Retreat

Meanwhile in the north communications had been more or less re-established, and on 14 October British, Belgians, and French advanced to the assault between the Lys and a distance of ten miles from the coast. Their success was followed by the most spectacular, indeed sensational, retreat of the war. The enemy abandoned Ostend and fell back so fast that by the 20th the Belgians had reached the Dutch frontier. The Flemish coast was lost to the Germans. South of the Lys they retired even more precipitately, abandoning the industrial cities of Lille, Roubaix, and Tourcoing and continuing their retreat to the Escaut or Scheldt.

This latter withdrawal was hastened by yet another thrust of the Allied centre, begun on 17 October, and known as the Battle of the Selle, in which the three British armies concerned captured over 20,000 prisoners and 450 guns. Blow

followed blow. On 1 November a final series of attacks led to further withdrawals. But Aulnoye junction was now under heavy fire and lateral movement of large forces had become impossible to the Germans. Though some formations still fought stoutly—if not in the old style—others gave way rapidly, sometimes being seen to fall back in front of the Allied barrage fire. There were many deserters among the prisoners, and, as we learnt from them, many more who skulked in towns behind the front or refused to return from leave. The roads were choked with transport.

The Germans sue for an Armistice

The Allies had their troubles, and were checked by transport difficulties, but were prepared to form mobile columns in order to continue the pursuit. A big fleet of bombers was ready to be launched against the Ruhr. In addition Foch had mounted a large-scale offensive east of the Meuse, which would turn the line of that river in case the Germans fell back upon it, though as a matter of fact it is doubtful whether they were any longer in a condition to do so. This attack was to have been carried out on 14 November, but it was not required. In the early hours of the 7th a message was received by Foch giving the names of the plenipotentiaries whom the German Government desired should pass through the French lines in order to sue for an armistice. So great was the confusion behind the German lines that the party did not reach Rethondes, near Compiègne, till the following morning. The Armistice was signed at 5.10 a.m. on the 11th, and hostilities ceased at 11 a.m.

The captures of the Allies in the Battles of the Hundred Days were as follows:

| | <i>Prisoners</i> | <i>Guns</i> |
|---------------|------------------|--------------|
| British . . | 186,000 | 2,800 |
| French . . | 120,000 | 1,700 |
| Americans . . | 43,000 | 1,400 |
| Belgians . . | 14,000 | 500 |
| Total . . | <u>363,000</u> | <u>6,400</u> |

Those figures represent a quarter of the Army in men and half the guns. If the captures of the Second Battle of the Marne be added the total is not far short of 400,000 men and 7,200 guns. The extent of the victory cannot, however, be measured thus. To appreciate that we have to turn to what had passed in governmental circles and in the High Command since the Allies crashed through the German defences in the morning mist of 8 August.

3. BEHIND THE GERMAN SCENE

As the news of that 'black day of the German Army' trickled in, a wave of depression struck Berlin. People had an inkling of what had happened but they did not know the whole truth. 'Acts were reported to me', writes Ludendorff, 'which I should not have deemed possible in the German Army . . . troops falling back cried out to a fresh division marching bravely to the attack: "Strike breakers!"' Whether or not he had the right to reproach men whom he had tried so highly is beside the point. His words at least give a vivid impression of the extent of the defeat.

Demoralization

And what he wrote he said at the time. On 13 August Colonel von Haeften, the liaison officer

between the Government and the High Command, learnt from his own lips that he had lost confidence in the troops. The men, he said, could no longer be depended on, and Germany therefore needed peace quickly. While they were talking Hindenburg, who was about to meet the Chancellor, Hertling, and the Foreign Minister, Hintze, entered the room. 'What shall I tell them?' Haeften heard him ask Ludendorff. 'The whole truth,' was the answer. At the Crown Council which followed Ludendorff declared that the war could not be won by force of arms; all that could be done was to hold the enemy in check by defensive tactics. He wanted to gain time for a 'psychological attack' to be made upon the British home front. This time the Germans have not made the mistake of waiting to launch that form of attack until defeat stares them in the face.

The view of the most important and able of the three Army Group Commanders, Crown Prince Rupprecht of Bavaria, was similar. 'I no longer believe', he wrote on the 15th, 'that we can hold out over the winter; it is even possible that a catastrophe will occur earlier. . . . What we must therefore do, if we are to avoid a military disaster which will ruin our whole future as a nation, is to make haste to approach our enemies, and especially England, with peace offers.'

The succession of shocks continued. On 14 September the Austrian peace offer was issued; on the 26th Bulgarian *parlementaires* entered the Allied lines to sue for an armistice. On the Western Front, said Ludendorff, the troops were still holding out—but to-morrow?

The Appeal to President Wilson

His question was answered by the smashing blows which have already been described. They appeared to the High Command to be absolutely fatal. On 29 September, on its own initiative and indeed to the consternation of the civil authorities—mark this—it informed the Emperor that an immediate appeal must be made to President Wilson to use his mediation to bring about an armistice.

Next day the Chancellor, Hertling, resigned. His 'democratic' successor, Prince Max of Baden, fought with tooth and nail against the decision. But no, it had to be made. 'I want to save my army,' said Ludendorff. Max of Baden strove to bring Ludendorff to agree that at least only a peace offer should be issued, not coupled with a demand for an armistice. But Ludendorff insisted, and the double appeal was sent out over the signature of the Chancellor during the night of 3 October. Incidentally, it was intercepted and deciphered by the French within but little over twenty-four hours.

President Wilson's reply, received on the 9th, was non-committal. It demanded whether, in the event of his proposing a cessation of arms, the Central Powers would agree to withdraw from invaded territory. Before he answered this message Prince Max put to Ludendorff, who came to Berlin that day, a long questionnaire to ascertain if he dared refuse evacuation. Ludendorff was evasive but not quite so pessimistic as a few days earlier, because no great Allied offensive was at the moment in progress and he thought the pressure was

slackening. What he wanted was time, time to reorganize, after which he would defiantly refuse extreme terms in the hope that the Allies would not choose to sacrifice more men in order to enforce them. Such was the key to his policy while he retained his post.

However, on 12 October the German Foreign Office replied to the Government of the United States that it accepted the famous Fourteen Points enunciated by the President and agreed to evacuation. German hopes of gaining time were dashed by the American rejoinder, received on the 16th, which stated that the conditions of an armistice must be left to the judgement of the military advisers of the Allied Governments. The Note threw the Government into despair, but again no decision was taken till Ludendorff arrived to meet the War Cabinet next day. The First Quarter-master-General was in a truculent yet evasive mood. In war, he said, one needed 'the soldier's luck'; perhaps Germany would enjoy it once again. He wanted more troops transferred from the East, but admitted that they were tainted with Bolshevism, and would not say that such reinforcements could do more than postpone a catastrophe. He called for a further comb-out from industry. He talked of declining morale, desertion, grumbling about insufficient food. He urged that the people at home should be impressed with the view that if Germany held out winter would come to her aid, but could not say when the Allied attacks might be expected to cease. Again, he was simply playing for time, gambling, fencing with the remorseless logic of the Chancellor, who pointed out that the Allied strength

continued to grow swiftly with the arrival of the Americans. He left the Chancellor unconvinced by his pleading, and the latter decided that negotiations with President Wilson must continue. At the same time he determined to get rid of Ludendorff.

The Sands run out

On 18 October Crown Prince Rupprecht stated that the troops were surrendering 'in hordes' in face of attack, that thousands of plunderers infested the bases, that there existed no more prepared lines, and that no more could be dug.

On 20 October the Turks opened negotiations with the Allies. The Turkish Armistice was not actually signed till the 30th, but by then, save for a small action at Haritan, north of Aleppo, on the 26th, Turkey had been to all intents and purposes out of the war for ten days.

On 26 October Ludendorff resigned or was dismissed—the difference is purely technical—to be later succeeded by Groener.

On 28 October Austria, whose armies on the Italian front had dissolved in complete and irretrievable rout, opened negotiations. The Austrian Armistice was concluded on 3 November.

Two exceptionally able commanders, Generals von Gallwitz and von Mudra, gave their views to the Cabinet on the 28th. They thought the Allied offensive was slackening, and the former declared that for the sake of national honour the struggle should be continued while the Army was capable of putting up a resistance. But in fact the only hope any of those present cherished was to use the remaining powers of resistance to get better terms.

Mudra regarded the situation as hopeless if Austria's surrender were unconditional and the Allies gained the disposal of her railways. From now onwards it began to be realized that the sole prospect of making the people fight to their last breath, or alternatively perhaps of securing easier terms, was to sacrifice the Kaiser and the Crown Prince. Pressure to secure an abdication began.

On 29 and 30 October there was trouble at Wilhelmshaven. The crews of certain warships refused to put to sea, because they believed that their commanders intended to sacrifice the whole High Seas Fleet in a blind attack upon the British Grand Fleet. Actually Admiral Scheer had intended to take the offensive, though he tried to deny this after the mutiny. This first outbreak was checked, but the whole Navy was in fact rotten. The flame of revolt, fanned by fear, soon spread once more, and by 4 November Kiel was in the hands of mutineers.

On 5 November Groener, Ludendorff's successor as First Quartermaster-General, paid an unconscious tribute to the strategic plan of the Allies, Haig's part in which has been mentioned. The railway situation, he stated, was already critical, and any further withdrawal meant practically the end of all quick transfers of troops behind the front. Then he proceeded to emphasize his appreciation of Haig's perspicacity, though of course without realizing the part Haig had played in forming the plan. He could not answer the question as to how long the Army could hold out for negotiations; it all depended on the enemy's pressure, especially at a danger-point north of Verdun. (Three weeks earlier Ludendorff had expressed a similar anxiety.)

What he feared was the American advance on Mézières. Later on he was to write: 'In any case we were too late with our retirement to the Antwerp-Meuse line—the more so because a few days later the great danger which I had foreseen began to take shape. . . . After the 1st November the Americans kept advancing further and further.' Next day, 6 November, largely because of the continued advance on Mézières, though partly also owing to the spread of the naval revolt, he told the Chancellor that the white flag must cross the lines. 'But not for a week at least?' asked Prince Max. 'A week is too long,' replied Groener.

Meanwhile the Germans had picked up a message from the Allies to President Wilson, dispatched on the 4th, in which they stated that they accepted his Fourteen Points, with two reserves, as a basis for peace. We are not concerned with the peace or the Fourteen Points, but with the defeat of Germany and the Armistice, so that it is necessary only to note that the reservations concerned, first, certain interpretations placed on the phrase 'freedom of the seas', and, secondly, his phrase 'restoration' of evacuated territories, which they took to include compensation to the populations for the damage due to aggression.

At 7 a.m. on 8 November the German plenipotentiaries arrived at Rethondes, where Marshal Foch awaited them in his train, parked in a siding constructed for a big gun on a railway mounting.

4. THE ARMISTICE

The German delegation was headed by Herr Erzberger, Secretary of State. The other pleni-

potentiaries were Count Oberndorff, General von Winterfeldt, and the naval Captain von Vanselow. Winterfeldt was only a liaison officer between the Supreme Command and the Government and was chosen by the Chancellor, so that actually the Army was not represented. Was this a mistake on the part of the Allies? One acute observer has declared that it was, because it allowed the subsequent plea to be made that the Army itself had not been a suitor to the Allies. It was, M. Benoist-Màchin points out, not the Army but Prince Max who opened negotiations, not the Army but Herr Erzberger who concluded them. Actually, this life-belt to the Army was not much more than a straw to a drowning man; for Erzberger afterwards admitted that Hindenburg told him he must accept any conditions. But at the time the point was of significance and it has since had its propaganda value. Prince Max, who throughout sacrificed himself for the prestige of the Army, fully recognized its importance. 'Our prevailing feeling,' he remarks, 'was one of relief that at least the *Army* would not have to wait upon Foch.'

The delegates presented their credentials and took their seats at the table in the saloon carriage. Erzberger then began with what may have been mere clumsiness, though it wore the appearance of typical German bluff. He had come, he said, to receive the proposals of the Allied Powers with a view to an armistice. Foch brought him to a full stop. He declared that he had no proposals. If they sought an armistice he would read out to them the conditions which the Allied Governments were prepared to grant. Erzberger and Oberndorff then

stated that the German Government sought an armistice, and the Marshal read the terms. Winterfeldt requested in the name of the German Government that there should be a cessation of hostilities before a decision was reached. The Marshal was not empowered to accord any suspension of arms; in any case, though unaware of German plans to gain time and then perhaps resume hostilities in more favourable circumstances, he knew with whom he had to deal. He refused.

There followed a period of fencing on the part of the delegation. Erzberger spoke of Bolshevism and hinted that it might afflict the French armies, though he took care to give Foch no notion of the enormous strides it was even now making in Germany. Foch replied that Bolshevism was a malady of defeated armies and nations worn out by fighting. The delegates also asked for an extension of twenty-four hours beyond 11 November, the final date fixed by the Allied Governments for a reply. This was refused, but the Marshal offered to expedite the dispatch of a messenger. The Germans also raised the question of peace terms, but the Marshal was instructed by telephone from Paris that on no account should he engage in such discussion. Finally, they accepted the conditions in principle, but reserved to themselves the right to make certain observations upon them and to refer them to their Government. They actually sent a summary by wireless and dispatched a staff officer with the complete text.

The observations were presented next day, the 9th. Marshal Foch made scarcely any concessions, but he did accord a little extra time for the evacua-

tion of invaded territory, on the ground that it would be physically impossible to carry this out within the limit already laid down. He also cut down slightly the number of machine-guns to be surrendered. On the 10th he reminded the plenipotentiaries that they must sign on the morrow or not at all, and urged them to obtain a reply from the Chancellor.

At 8 p.m. the delegation received a radio-telegram in cipher from Hindenburg, urging that if possible a modification on certain points should be obtained, but adding that in any case the armistice convention must be signed. At 10.30 p.m. there arrived a further telegram, *en clair*, which ran: 'The German Government accepts the armistice conditions offered to it on the 8th November Reichskanzler Schluss'

The French had meanwhile learnt of the Emperor's abdication. 'Is this a new Chancellor, this Schluss?' asked the interpreter. 'We have never heard his name.' Erzberger answered that 'Schluss' meant 'final stop', and added: 'And it will be a final stop so far as the Chancellor is concerned.'

For the moment neither he nor Foch realized what lay behind this comic incident. Prince Max had resigned on the 9th, to be succeeded as Chancellor by Ebert, but that night the old hierarchy had collapsed beneath the weight of revolution. Ebert was now only 'President of the Council of the People's Commissaries' and had technically no right to sign as Chancellor. In fact the telegram had been sent by the General Staff. However, it represented the views of such authorities as existed and there was never any question of its being repudiated.

The convention was signed at 5.10 a.m. on 11 November. The following is a summary of the terms:

Western Front

- I. Hostilities to cease at 11 a.m. on 11 November.
- II. Evacuation of invaded territories, including Alsace-Lorraine, within 14 days.
- III. Repatriation of inhabitants of these territories.
- IV. Surrender of 5,000 guns, 30,000 machine-guns, 3,000 trench mortars, 2,000 aircraft.
- V. Evacuation of left bank of Rhine; bridgeheads to be established by Allies on right bank.
- VI. No evacuation of inhabitants of these territories to be carried out and no damage to be done.
- VII. Communications to be left intact; 5,000 locomotives, 150,000 railway wagons, and 5,000 lorries to be handed over.
- VIII. Position of delay-action mines to be notified.
- IX. Allies to be given right of requisition in occupied territory.
- X. Repatriation, without reciprocity, of Allied prisoners of war.
- XI. Allied sick and wounded who cannot be evacuated to be cared for by German personnel.

Eastern Frontiers of Germany

- XII. All German troops to be withdrawn within old frontiers.
- XIII. All instructors and German prisoners of war to be recalled.
- XIV. All requisitioning to cease.
- XV. Treaties of Bucharest and Brest-Litovsk to be abandoned.
- XVI. Allies to have free access to territories evacuated by Germany on her eastern frontiers, in order either to convey supplies to their populations or to maintain order.

East Africa

- XVII. Evacuation of German forces in East Africa within one month.

General

- XVIII. Repatriation, without reciprocity, of civilians of Allied or Associated States other than those mentioned in Clause III.
- XIX. Reparation to be made for damage done; funds seized in Belgium, Russia, and Rumania to be restored.

Naval

- XX. Cessation of hostilities at sea. Location and moves of German ships to be notified.
- XXI. Naval and mercantile prisoners of war of Allied and Associated Powers to be returned, without reciprocity.
- XXII. All serviceable submarines to be handed over at certain specified ports.
- XXIII. Germany to hand over for internment 10 battle-ships, 6 battle cruisers, 8 light cruisers, and 50 of the most modern destroyers; all other naval craft to be laid up and their crews paid off.
- XXIV. The Allies to have the right to sweep up all minefields laid by Germany outside German territorial waters.
- XXV. Allies to have freedom of access to the Baltic, for which purpose they may take over such German fortifications as they consider necessary.
- XXVI. The existing blockade conditions to remain unchanged. The Allies contemplate provisioning Germany while the Armistice remains in force.
- XXVII. All naval aircraft to be concentrated and immobilized in German bases.
- XXVIII. In evacuating the Belgian coast, Germany to abandon all ships and harbour material.

- XXIX. Black Sea ports to be evacuated; Russian ships to be handed over to the Allies; merchant shipping to be released.
- XXX. All merchant ships belonging to the Allies to be restored in ports to be specified.
- XXXI. No destruction of ships to be carried out before evacuation, surrender, or restoration.
- XXXII. The German Government to notify the neutral Governments of the world that all restrictions placed on trading with the Allies have been cancelled.
- XXXIII. No transfers of German shipping to neutral flags to take place.

Duration of Armistice

- XXXIV. The duration of the Armistice to be 36 days, with option to extend. On failure of the execution of any clause the Armistice may be denounced by one party at 48 hours' notice.

Time Limit for Reply

- XXXV. This Armistice to be accepted or rejected by Germany within 72 hours of notification.

Revolution in Germany

While these great events were in progress others of equal moment were happening in Germany and in the German Army. By 7 November the revolution begun at Kiel had spread as far as Brunswick and Cologne and had appeared also in the south at Munich. On the same day the Social Democrats in the Government demanded that forbidden revolutionary meetings should be permitted, and that the Emperor and Crown Prince should immediately renounce the throne. The Chancellor him-

self had been striving to bring this about constitutionally, but this move broke up the foundations of his policy. Next day the revolution continued its march and the Kaiser, who had taken refuge at head-quarters, refused to abdicate. In Berlin there were only three battalions of Jägers considered reliable. The Chancellor, honourable though perhaps not very strong man that he was, would hear of no *coup d'état* against his Emperor, though the Social Democrats in the Government told him that immediate abdication might yet stave off the revolution.

On the 9th the famous Jägers refused to move against the revolutionaries in Berlin; the Chancellor resigned; and the Kaiser abdicated 'as German Emperor but not as King of Prussia'. This was fatuous and according to the constitutional lawyers legally impossible, but in any case he had delayed too long. That afternoon Scheidemann proclaimed a republic from the steps of the Reichstag.

This is not the place to deal with the disintegration and collapse of the returning German Army or with the further spread and subsequent intensification of the revolutionary movement throughout Germany. It waxed and waned, burst out with redoubled violence, and was not stamped out entirely until May 1919. In that month the iron will of the ex-woodcutter, ex-carpenter Noske, Minister of National Defence, backed by the military skill and resolution of General Maercker and the fighting qualities of the *Freikorps* of volunteers from right-wing elements of the old army, extinguished the last flames with blood. In one week of March 1,200 civilians are said to

have been killed and 10,000 to have been injured in Berlin. Bavaria and Saxony, which had broken away and formed themselves into independent revolutionary republics, were brought back to the Reich by brute force in the same period.

Advance of the Allied Armies

With all this the Allied armies had nothing to do. They marched slowly forward, hampered by the distance of their railheads, the state of the roads, the necessity of feeding the civil population despoiled by the Germans, and other difficulties. Not till mid-December were the great semicircular bridgeheads beyond the Rhine fully occupied. In the first instance there is no doubt that the propertied elements in the Rhineland found the presence of the detested victors not unwelcome as a protection from the orgy of murder and loot which swept over the cities of unoccupied Germany.

Much has been made by German apologists of the slowness of the Allied advance, conducted though it was under conditions which were virtually those of peace—though, of course, with full military precautions—and without expenditure of ammunition, the heaviest of military commodities. But, on the other hand, the German withdrawal was also painful, though the Germans had to park guns and lorries by the thousand in accordance with the terms of the Armistice, though they transported only a fraction of the ammunition carried by the Allies—in fact, only what was in the caissons and often not even that—and were thus relieved of the burden of all their

heaviest material. The German Army was not in a position to carry out a fighting retreat, certainly not without abandoning the greater proportion of its armament and stores. If, on the contrary, it had stood to fight, it would have been annihilated as a fighting force. Of this the evidence already given is surely ample proof.

Conclusion

It has also been shown that the story of the Army being stabbed in the back by revolution is false.

To reach the kernel of reality we may, however, disregard to a great extent academic discussion of why and wherefore. In a modern authoritarian State revolution may be considered to be the inevitable accompaniment of defeat; one may almost say that revolution and defeat are one. Perhaps it is impossible for the social and political structure of any State with modern development to survive defeat; it may not even survive victory in a long and destructive national war.

It is puerile also to try to single out special causes. All weapons are used to inflict damage, and finance, propaganda, blockade are weapons like the rest. No nation understands this better than Germany, who began to develop methods of total war twenty-five years ago, though she did not then exploit them to anything like the extent which they have reached to-day in her hands. But of all these weapons blockade is the only one which could conceivably be decisive without the aid of military victory, and blockade can be based only upon the command of the sea, which is, as it has always been, one of the most important elements in victory. For example, would

the German Navy have revolted before the German Army but for the Allied command of the Sea? The revolt at Kiel was simply one aspect of German defeat.

Yet in the last war our blockade, close and effective as it was, could not for geographical and even for political reasons be decisive in itself. Germany had also to be defeated on land, by force of arms, by attrition, by shock, by losses, and by being driven into a strategically untenable position. That, the one point which apologists and splitters of hairs strive to avoid or about which they create confusion, is the final and finite reality.

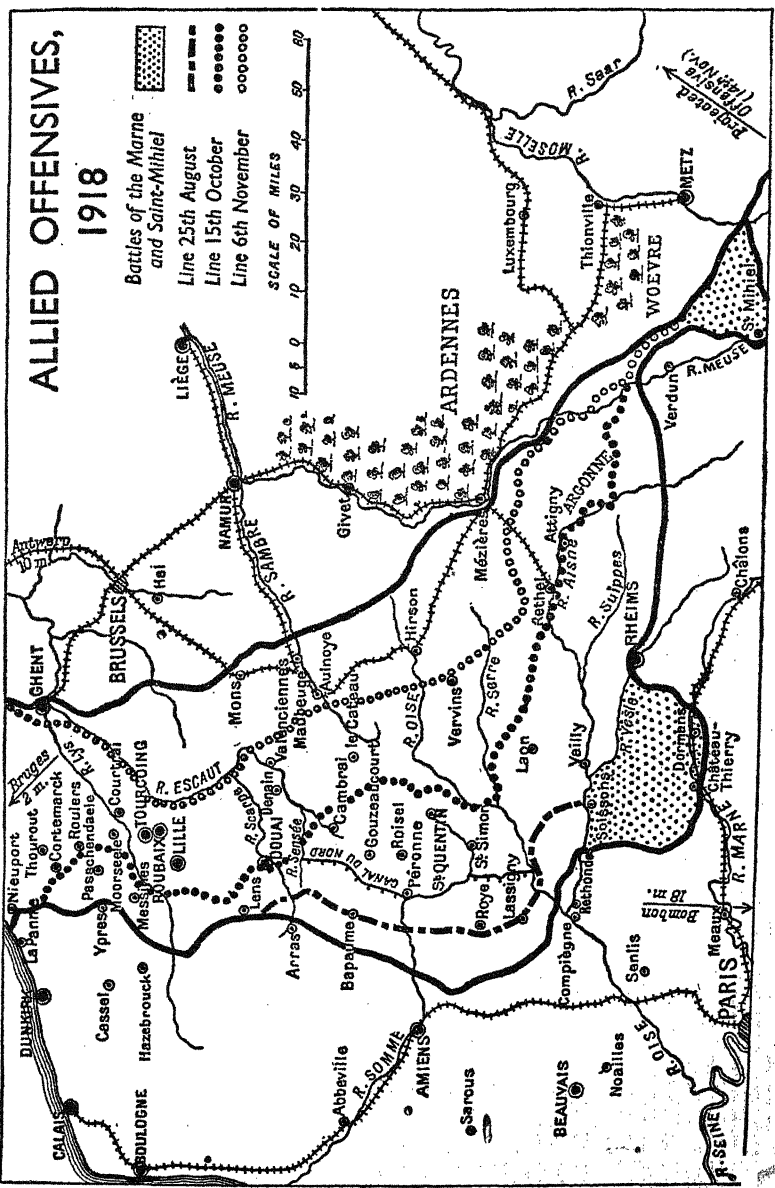
Germany was utterly defeated by military force in the year 1918.

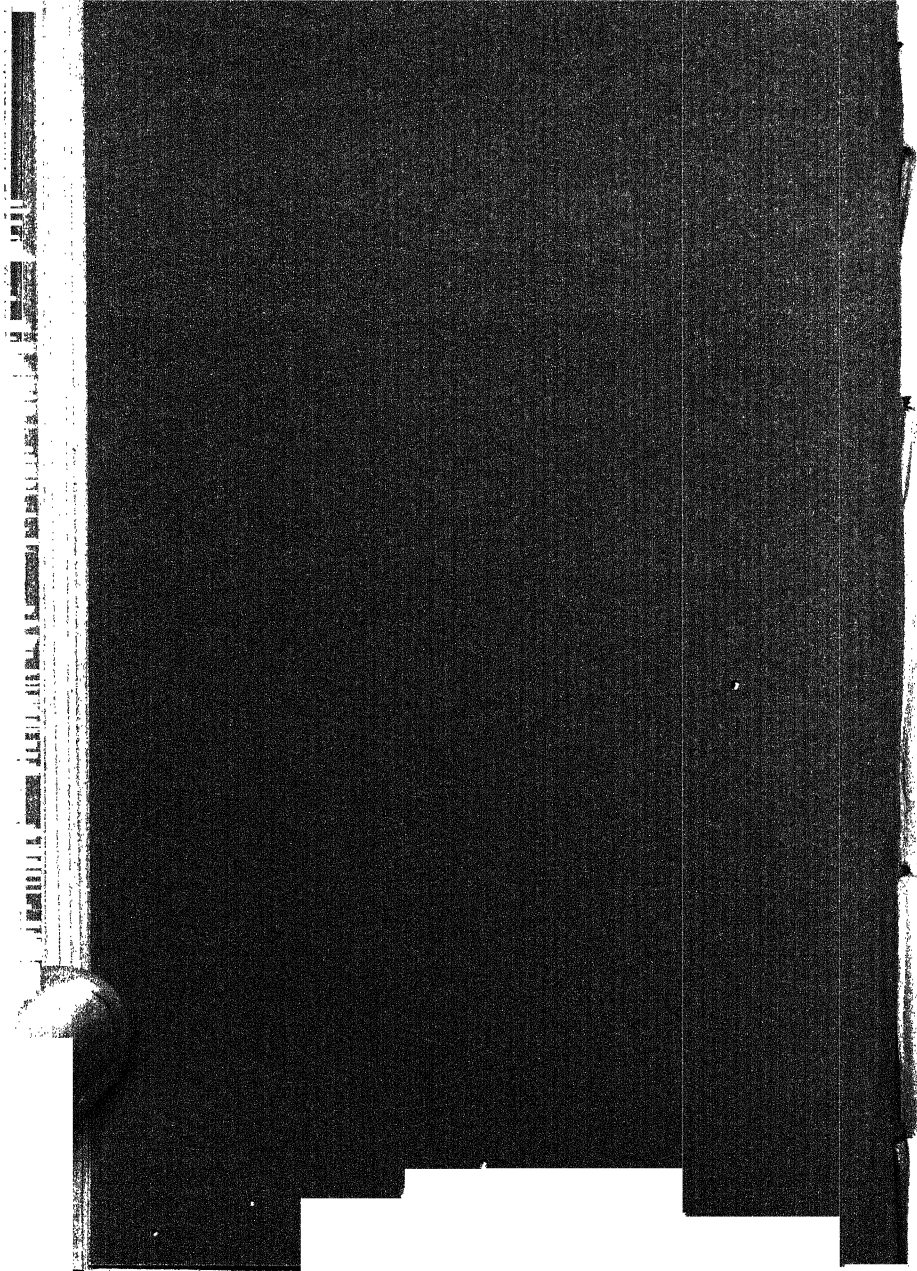
ALLIED OFFENSIVES, 1918

Battles of the Marne
and Saint-Mihiel

Line 25th August
Line 15th October
Line 6th November

SCALE OF MILES





OXFORD PAMPHLETS ON WORLD AFFAIRS
No. 36

THE GESTAPO

BY
O. C. GILES

OXFORD
AT THE CLARENDON PRESS
1940

SOME knowledge of Himmler's Secret Police is necessary if we are to understand the spirit of Nazism and its grip on the German nation; for neither the new religion as propounded by Rosenberg nor the abusive propaganda broadcast by Goebbels could keep the minds and energies of Germans at the desired high pitch unless the Secret Police terror browbeat them into acceptance of Nazi doctrine and demonstrated the disastrous consequences of criticism expressed by the individual. Moreover, Hitler's war machine could not have achieved its successes without the active co-operation of the home front before and after the outbreak of the war, and the infection of foreign bodies politic with the germ of National Socialism. The former was enforced and the latter largely effected by the vast organization of the Secret Police. The author of this pamphlet, a barrister who has made a special study of Nazi Germany and in particular of Nazi law, attempts an explanation of this institution, whose manifold tasks, wide ramifications, and overriding powers are unique in the history of statecraft.

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

THE GESTAPO

Law and Force

FREE institutions and civil liberties can flourish only in time of peace. In an emergency they are always curtailed or swept away, and parliamentary or judicial control of administrative measures is restricted. Yet in democratic States such controls are not abandoned. Their exercise is voluntarily suspended, and they can at any time be restored, when the emergency has passed or if it is found that the special powers are too harsh or are being abused. After the last war the Defence Regulations were thus abolished in Great Britain, and in the U.S.A. the New Deal measures, by which the President is invested with special powers, may be revoked by the same process by which they were conferred. The same applies to the recent British Emergency Powers Act. Indeed, Mr. Churchill promised that after the war all civil liberties, now curtailed, will be restored.¹ Governments thus entrusted with supreme powers are dictatorial only until further notice.

In true dictatorships, on the other hand, parliamentary and judicial control has been abandoned, and powers, which in democratic countries are emergency powers, are normal. By the nature of its being, a dictatorship must claim eternal wisdom and must regard criticism of its acts as treason.

It is therefore but natural that the role of the police should be exalted under a dictator or other absolutist form of government; witness the eras of Metternich, Fouché, and the Tsarist régime. Superficial observers of modern Germany have therefore often asked: Is there really anything novel in that government's suppression of individual liberties? Indeed, it has been said with reference to the all-powerful police that Germany has put back the clock. This may be true of the more repulsive brutalities

¹ See Sir Archibald Sinclair's broadcast on 21 August 1940.

committed by authority of the National-Socialist régime, and set out in the British Government's White Paper on the Treatment of German Nationals in Germany, but it is not true of the institutions as such. They are not a reversion to the past, but the fruit of a new conception.

The New Body Politic

Let us recall that National-Socialism has made the State and the Nation supreme; they are means to themselves as ends, and every citizen must not only contribute to their glory and prosperity, he must literally devote his life to those ends. The German must worship his nation, must dedicate his body and soul to its new religion. National-Socialist leaders have said on many occasions that the citizen must regard no sphere of life as private. When going about his work he must consider nothing but the national effort, and he must regulate his private life solely with an eye to the good of the community. Only when sleeping may the German forget that he is a National-Socialist. Every German, whether man, woman, or child, soldier, worker, or artist, civil servant or scholar, professional or business man, must more than once during his career swear allegiance to the *Führer*. A spiritual bond unites every individual with the head of the State, in much the same way as in the Middle Ages the liege was bound to his lord. This National-Socialist feudalism is essentially a new conception. Not only a few landowners, office-holders or dignitaries, as in the old feudalism, must take the oath, but every single member of society; and the oath implies not only assistance in time of stress, but renunciation of every sphere of private life. One National-Socialist writer expresses this by saying that the citizen gives up his liberties to Nation and State and receives them back as a fief or trust to be exercised for the benefit of the community. This new religion-cum-feudalism makes, again in the words of German leaders, every human activity 'political'. Politics is thus no longer merely the science of leadership and government of the State, it is the

sum of all individual efforts towards the well-being and glory of the community. Add to all this the vast economic planning and the permanent direction and regimentation of business, science, learning, and art, and you will get some idea of the National-Socialist body politic.

Peace, Order, and Good Government

Even monks are not always saints, and even National-Socialists fail. Human greed cannot be stamped out, nor selfishness and desire for privacy. Opposition, even unorganized as it is in Germany, must exist, and grows daily afresh according to the law of action and reaction. Thus while an ordinary police force may be sufficient in most States to deal with breaches of peace, criminality, and maintenance of safety provisions, the very nature of active or, as National-Socialists like to call it, 'dynamic' statecraft, the absorption into politics of what is essentially private, expands the old conception of peace, order, and good government. To uphold this new order, which adds such a vast number of activities to matters of State, an essentially new form of police is necessary. Such is the German Secret State Police or *Gestapo*.

Evolution or Revolution?

Though, when Hitler rose to power, the *Gestapo* enlisted part of the existing police organization, the conception of its work was entirely new. The *Umbruch* of the German State, that is the conscious breach with tradition effected in it, had, if the new State wished to survive, to be followed by a similar breach with tradition in respect of its guardians, the police.

What was the German police when, on that fateful 30 January 1933, Hitler became Chancellor? The federal States had long ago lost to the Reich the right to legislate in defence and revenue matters, but they had retained their separate police forces. The Weimar Reich had police jurisdiction only in case of necessity, and it shows the vitality of the federal States that a law regulating the

criminal police, which was passed by the Reichstag in 1922, never came into force in the Republican era. If the Reich wished to influence police action in one of the States it had to proceed in a roundabout way. This is worth recalling, for it was the method adopted in 1930, with scant success, against Germany's first National-Socialist government in Thuringia. Since financial legislation was mainly a Reich affair, the States were dependent on grants from the Reich, and, with the help of a legal quibble, the Reich Minister of the Interior could bring pressure to bear on a recalcitrant State government by withholding the police grant. Naturally such limited power did not commend itself to Chancellor Hitler.

The Reich, then, was without a police force of its own. Only the States had police forces, and they were organized in much the same way as the county and borough police in Great Britain. In addition, there existed everywhere a special force for the investigation of criminal cases, and also a so-called political police. The latter, however, a product of the Weimar era, had a very restricted scope; it was nothing but an intelligence service for the discovery of anti-republican elements, invested with no special powers; its work may be compared with part of the work of the special branch of Scotland Yard. Again, as in Britain, arrested persons had to be taken before a magistrate within twenty-four hours of their arrest. This was all that the Reich brought to its marriage with National-Socialism, and from the latter's point of view it was a poor dower.

National-Socialism made a fresh start. The writer of a leading book on the German political police¹ argues that, just as the National-Socialist State did not derive from the Republic, nor the philosophy of National-Socialism from that of liberalism, so the police, which because of its character as an instrument of State power always reflects most accurately the nature of the State, could not be transformed from a Republican to a National-Socialist body. Something new was called for.

¹ Schweder, *Politische Polizei*, p. 160 (1937).

The nucleus of the new institution existed in the National-Socialists' organization before they came into power. During their long years of waiting they had laid a foundation by organizing the *Sturmabteilungen* (Storm Troops), generally known as S.A., and the *Schutzstaffeln* (Protection Squads), now only known as S.S. Part of the latter, as we shall see, were soon to form the personnel of the Secret Police. In addition, the National-Socialist Party had, apparently under Himmler's orders, set up a widespread political intelligence service, political in the National-Socialist sense, that is to say, affecting all branches of human life. With the thoroughness which has since become well known—Professor Roberts, author of *The House that Hitler Built*, writes how impressed he was when visiting the Brown House Archive, to see that even the earliest documents were drafted and kept like State papers—business, political, and racial information concerning a vast number of citizens was collected in card indexes. Though many of the arrests made by local Party agents during the first weeks after the revolution may have been acts of personal vendetta, there can hardly be any doubt that the information gathered during the Party's private days helped to speed up the famous *Gleichschaltung*, or co-ordination of all walks of life with National-Socialist principles.

The new government of course enlisted the existing machinery for the enforcement of what they regarded as law and order. Allowing for dismissals on the ground of unreliability and race, the whole of the ordinary and criminal police was taken over, and when in the early days the new 'protective custody' was applied, the ordinary police force was largely charged with this task.

Gestapo Established

The Secret State Police, or *Gestapo*, was set up in April 1933 by Goering and was originally confined to the territory of Prussia, of which Goering was then, among other things, Prime Minister. In the other federal States

the existing political police was for the time being charged with the duties of the National-Socialist Secret Police.

The German name *Geheime Staatspolizei* (of which *Gestapo* is an abbreviation) expresses the secret nature of the work it was formed to do. It watches and punishes its victims secretly, thus surrounding itself with an atmosphere of terror. It is answerable to an authority which cannot itself be called to account. But the name suggests too, probably intentionally, the exalted constitutional position which the new force was to occupy, for *geheim* in German, besides its ordinary meaning of 'secret', is used in the sense of 'privy', as in *Geheimer Rat*, the Prussian privy council, or *Geheimes Siegel*, the privy seal. Thus at the outset the name lent an old Prussian glamour to a revolutionary institution.

The *Gestapo* did not long remain a purely Prussian enterprise. The defects of the old system, under which police was a matter for the federal States, had been too apparent to National-Socialists to allow that state of affairs to continue. True, the Reich laws for the restoration of officialdom (*Wiederherstellung des Berufsbeamtentums*), which removed non-Aryans, anti-Nazis, and suspects from office, the law for the co-ordination of all public and private institutions with National-Socialist philosophy, and finally the law appointing Regents (*Reichsstatthalter*),¹ responsible directly to the *Führer*, in all States, had removed the danger of police forces being employed in an anti-Nazi or even lukewarm spirit. But the Central Authority demanded more internal striking strength, and on 30 January 1934, the anniversary of Hitler's rise to power, the police passed under the jurisdiction of the Reich; its administration alone was delegated to the States, which since the Regency Act (*Statthaltergesetz*) had been nothing more than administrative provinces of the Reich.

¹ There are some 12 or 14 Regents representing the *Führer's* rule in the former federal States. They should not be confused with the *Gauleiter*, who are the leaders of a 'tribal district', an administrative unit of the Party as opposed to the Reich.

Heinrich Himmler

The new German Reich Police still lacked a supreme leader, unless one considers as such the Reich Minister of the Interior whose department was responsible for police matters. Not for another two years was this defect remedied, but the destined leader was fast making his way in the Nazi hierarchy. In April 1934 Heinrich Himmler was appointed chief of the most important branch of the police, the *Gestapo*. He was then only thirty-three, though not without experience in police matters. He was a Bavarian from Munich and a Catholic. His father was a headmaster, and he himself had passed through a grammar school. At the age of seventeen he was a cadet in the German Army, and after the war he spent three years as a student in the Munich Engineering College, from which he passed into business. He joined Hitler at an early date and is believed to be numbered among his most trusted collaborators. Himmler soon took a leading part in the organization of the S.S., and also in the establishment of a wide-spread information and intelligence service, both at home and abroad. Soon his experience could be applied in practice, for in November 1933 he took charge of the political police, first in Hamburg and then in Mecklenburg, Lübeck, Thuringia, Hesse, Baden, and Saxony. Then Goering, who was in charge of the secret police in Prussia, made Himmler head also of this force. Finally, he was appointed chief of the secret police for the whole Reich in April 1934, hardly three months after the secret police had become a Reich concern. Thus he was the head of the *Gestapo* on the 'night of the long knives', 30 June 1934.

In 1929 Himmler had been appointed Reich Leader of the S.S., that is commander of the National-Socialist troop of *élite*. This appointment deserves special notice. The National-Socialist régime likes to create between leader and followers as many ties as possible. Moreover, partly perhaps by accident, but partly no doubt to

prevent gaps in the National-Socialist front, Party and State departments overlap. One instance of this is the Party *Gaue* ('tribal districts'), whose borders are not co-extensive with those of the administrative provinces. Another illustration is the S.S. and *Gestapo*, for the officers of the latter are drawn from the S.S., and thus, when Himmler became Reich Leader of both those forces, a double bond was created between him and those S.S. men who were also officers of the secret police. Also, he was able to influence the training of men who might later join the *Gestapo*.

Himmler's personality has, of course, been the subject of much speculation. Some informants describe him as a pleasant person, others as a sadist. He may easily be both; what is certain is, judging by results, that he is terribly efficient, and has a thorough grasp of police problems and the dynamic tasks of the new Reich; he is unhampered by considerations of humanity, and has understood how to instil into his followers and subordinates the S.S. spirit of 'ruthlessness for the sake of the State'.

Legal Basis of Gestapo

The *Gestapo* worked for three years without its functions being defined by law. Only protective custody was sanctioned by Decrees of 28 February 1933 and 8 March 1934; and on 2 May 1935 the Prussian Administrative Court held that the secret police was not subject to judicial control. The rule laid down in that judgement is, of course, of supreme political importance and will be dealt with later in greater detail. It received statutory force by the Prussian law of 10 February 1936, sect. 7 of which provides:

The orders and business of the Secret Police are not subject to review in the administrative courts.

It is odd that as late as 1936, and indeed up to the present day, no Reich statute exists regulating the affairs of this force which is after all one of the chief pillars of the

National-Socialist régime. The Reich's authority over the secret police is expressed, but indirectly. In sect. 8 of the Prussian statute it is provided that the statutory regulations under the Act will be made by the Chief of the Secret Police in agreement with the Reich Minister of the Interior. Moreover, on 17 June 1936 the Collection of Reich Statutes contained a proclamation for the appointment of a Chief of the entire police force in the Ministry of the Interior. The proclamation, which is signed by Hitler and Frick, states in the preamble that such an appointment has been considered necessary in order to effect a uniform exercise of police powers. Then Himmler is appointed and made responsible to the Reich Minister of the Interior; simultaneously he is appointed the latter's deputy in police matters if the Minister should be absent. He is given a seat in the Cabinet when police questions are discussed.

All this shows that Reich and State affairs are intertwined, but a lawyer thinking on traditional lines would hardly be satisfied that this Prussian law was the basis of the secret police all over the Reich. However, National-Socialist lawyers make short shrift of such technicalities. In an article entitled 'Protection of the Constitution' Professor E. R. Huber admits¹ that there exists as yet no express Reich authority for the political police. But, he continues, such authority must be assumed to rest on 'the unwritten law of the Reich'.² Again, one of the principal police officials in the Ministry of the Interior, Dr. Best, said:³

'Construed correctly, the agencies authorized to protect state and people and to enforce the will of the government in the National-Socialist Leader State wield, as a matter of principle, all powers required for the fulfilment of their tasks; these powers derive from the new philosophy alone and do not necessitate a specific legal foundation.'

Presumably it is also this new philosophy which gives

¹ *Zeitschrift der Akademie für Deutsches Recht*, 1938, p. 81.

² In Germany living legal writers have always been considered as authorities.

³ Quoted by F. M. Marx, *Government of the Third Reich* p. 145.

power to the *Gestapo* to officiate outside the German frontiers, a side of its work of which a little more will be said below.

The State within the State

We must now turn to the most important aspect of the whole matter, the independence of the *Gestapo* from judicial control. In itself a legal problem, this independence is in fact of prime political importance. Its effect can hardly be exaggerated.

It is well known that the Nazis have adopted what may be called split language; for they sometimes use a term both in its traditional sense and also in a sense peculiar to their new doctrine. One such term is the 'rule of law'. On the one hand they claim that this rule obtains in the German *Rechtsstaat* of Adolf Hitler, for the reason that in Germany the will of the Führer is the supreme law;¹ on the other hand, they return to the traditional meaning when they protest, as does among others the Reich Minister and Jurists' Leader, Dr. Franck, that police measures are tested in the courts of law. But in that protest Dr. Franck significantly omits to mention measures taken by the secret police.

The judgement of the Prussian Administrative Court of 2 May 1935 has already been mentioned. There it was laid down that a *Gestapo* order for detention in protective custody could not be challenged in a court of law. This independence has since been made statutory, and a number of judicial decisions have turned on the construction of the Act.

At first sight it may seem surprising that after the explicit words of the statute anyone should have dared to bring this matter before a court, or indeed that there was any room for legal argument. Perhaps it is no accident that the first two reported cases arose in connexion with the religious conflict.

In the first case, which was decided on 19 March 1936,

¹ See Oxford Pamphlet No. 21, *The Nazi Conception of Law*, by J. Walter Jones, pp. 11 et seq.

a Protestant pastor had preached against the National-Socialist Reich Bishop and was thereupon ordered by the ordinary police to quit the district. The pastor appealed against this order, and he argued that sect. 7 of the above Act did not apply because the order was made, not by the *Gestapo*, but by the ordinary police. The Court, however, affirmed the application of sect. 7. Orders made by the ordinary police, said the Court, are exempt from judicial review if they were made by that body in its capacity of auxiliary to the secret police, or if the order was one falling within the *Gestapo*'s jurisdiction. Such orders of the ordinary police authorities

'which are obviously designed to protect the security of the state against external or internal foes are therefore unchallengeable. Even the question whether in the individual case the safety of the state was in fact imperilled is not open to review by the Court, provided the facts of the case may generally be considered to fall within the province of the *Gestapo* (N.B. whether or not the latter in fact acted). Otherwise the Court would in effect pass judgement on the validity of the order.'

The pastor, the Court continued, had by his public hostile attitude towards the Reich Bishop helped to embitter relations between evangelical denominations in a manner detrimental to State authority; the case therefore fell *prima facie* within the province of the secret police and the order was unassailable.

In the second case, a local police authority had made an order calling upon a Catholic priest to give information about ecclesiastical organizations and to furnish particulars of subscribers to church periodicals among his flock. The priest's appeal was overruled; again the Court held that the contents and aim of the order were identical with the work of the *Gestapo*. If the latter had made it there would have been no question of its being challenged, and the same must apply to the order in the present case.

The supreme power of the *Gestapo* is also well illustrated by the following decisions:

For the carrying on of certain trades a form of licensing had existed since the days of the Monarchy. Under this system the so-called trade police issued identity cards to traders, after it had satisfied itself about the applicant's honesty. In one case the secret police seems to have challenged the issue of such a card by the competent authority. No doubt the *Gestapo* could have seized the card without more ado, but apparently in order to make the position perfectly clear for the future the matter was brought up in court, this time in the Administrative Court of Saxony. It was held that since trades may be carried on in a manner detrimental to the State, and may be used for the furtherance of subversive activities, it was the duty of the trade police to hear the *Gestapo* before granting an application. This had not been done in the present case, and the issue of the card was therefore invalid. It should be borne in mind that no statute or decree imposed that duty on the trade police. Had that been so there would have been no ground for legal argument. But the decision was probably arrived at by the application of the principle enunciated by Dr. Best, and quoted above, that no legal basis was really necessary for the work of the secret police, since that followed from National-Socialist philosophy.

Other reported instances of the courts of justice being excluded are notices of termination of employment, made no doubt on the strength of orders by the *Gestapo*, by reason of the employee's political unreliability.

The fundamental reason given by the courts in most of the above cases for the *Gestapo*'s supremacy was that it constituted a separate department of State. Such reasoning on traditional lines might satisfy judges of the old school. But National-Socialist legal writers are not content that the decision should be rested on such formal grounds. The true ground, they say, is that owing to the nature of the work of the secret police for the preservation of the National-Socialist State, which of necessity reaches into all strata of society and covers all the activities of German

citizens, orders of the *Gestapo* are essentially not justiciable in a court of law.

This account of the independence enjoyed by the secret police has necessarily entered into somewhat technical questions of law. But legal technicalities should not be allowed to obscure the political and constitutional importance of the matter. In order to satisfy a popular demand for security by a nation used to a high standard of judicial protection, National-Socialists foster the belief that the rule of law prevails, that the citizen is safe, and that his interests are watched by the Courts. In spite of high-sounding phrases, however, the independent status and the overriding powers of the *Gestapo* are proof of the utter insecurity of persons living within the borders of the Third Reich and its dependencies.

Organization of the Secret Police

To carry on the work of upholding the régime, a most efficient organization has been built up. The outlines are very simple. At the top of the tree we find the Reich Minister of the Interior and under him the office of the Reich Leader of the S.S. and Chief of German Police. The police is divided into three branches:

(1) The ordinary police. Though they are under the command of the Reich Chief, the exercise of their power has been delegated to the federal States, and more or less follows their administrative organization. This ordinary police force includes detectives for the investigation of criminal matters. As we have already seen, the ordinary police force is also an auxiliary of the secret police, and, when acting in the latter's field, enjoys the same immunity.

(2) The Secret Police. Its head-quarters are the Secret State Police Office (*Geheimes Staatspolizeiamt*) in Berlin. Under it there operate so-called Principal State Police Offices (*Staatspolizeistellen*) in the federal States and in the provinces. Still farther down are District State Police Offices, the number of which is not known.

Where these offices cannot cope with the work, they are entitled to call on the ordinary police force for assistance.

Moreover, the secret police exercise power over the local government, particularly of provinces and districts into which the States are divided. Not only can the Prussian Secret State Police Office issue instructions to heads of provinces in Prussia, and apparently to corresponding authorities in the other States, but the Chiefs of the Principal State Police Offices mentioned in the preceding paragraph are *ex officio* political officers in their respective provincial and district governments. Thus is secured, in the words of one writer on the subject,

'the necessary liaison between political police and general administration'.

The secret police proper may be described as the apparatus for apprehending and dealing with 'enemies of the State'.

(3) In addition there exists an organization called Security Service (*Sicherheitsdienst*) of the Reich Leader of the S.S. This service is shrouded in mystery. It is certain that its members have no executive powers. Rather are they political detectives. The organization of this branch is obscure, but it seems probable that its members are distributed over departments of State, businesses, factories, ships, blocks of flats, &c., and are also sent abroad. They are the tentacles of the Reich Chief of the Police and must probably also supervise the activities even of the *Gestapo* officers themselves. This force may conveniently be described as the ear of Himmler.

There can be very little indeed that escapes this vast centrally controlled machinery, which covers the whole political and business administration of the nation. But even this is not enough. Every German is under a statutory duty to inform the secret police of activities inimical to the State, and what this means has been indicated above when the new conception of politics was analysed. It will become still clearer when the functions of the *Gestapo* are examined in a little greater detail. However, before we pass to that subject it is convenient to ask

Who are the Men who do the Job?

Under every form of government this is a question of the greatest importance, for the character of a State depends as much on the persons who hold sway as on the institutions. Who then are the men who wield this powerful weapon of the National-Socialist Secret Police?

We have already said that they are drawn from the ranks of the S.S., the *élite* of party comrades. S.S. officers and men do the office work in the *Gestapo*. But the execution of orders in the round-up of suspects would not be sufficiently guaranteed were it in the hands of the ordinary police force only. Two special troop contingents have therefore been formed: S.S. Shock Troops (*S.S. Verfügungstruppen*), enlisted for four years and housed in barracks, and the so-called Death's Head Formations, who must serve for twelve years. These formidable forces are available at a moment's notice for big round-ups. The latter formations administer the concentration camps, and the former relieve the army during war by maintaining internal order. National-Socialists firmly uphold the notion that Germany lost the last war not through military defeat, but through the Socialist 'stab in the back'.¹ S.S. formations of the secret police are intended to guard against a repetition of this. It is not without interest to note that after the German occupation of Holland Hitler issued an order of the day expressing gratitude, not only to the fighting forces, but to the S.S. shock troops as well, for the part they had played. There is evidence that these shock troops followed immediately in the rear of the army, relieved it from mopping-up operations, and took over the policing of the occupied region.

The S.S. was originally a small force which acted as stewards at Party meetings; they were the bodyguard of Hitler and other speakers, and, in the days of free speech, quenched opposition and dealt with hecklers. When in

¹ See Oxford Pamphlet No. 35, *Was Germany Defeated in 1918?* by Cyril Falls.

1929 Himmler was made S.S. Chief these men became the *élite* troop of the Party. Its racial purity was absolutely safeguarded through marriage control involving detailed medical and racial examination of bride and bridegroom, and a thorough course of political and military training was mapped out. A special code of honour served to make the S.S. man group-conscious. When Hitler took over the government Himmler's men numbered 52,000, and by 1939 this number had grown fivefold. The official historian of the S.S. has said¹ that in this force there has been achieved a blending of soldierly tradition, crystal-clear political consciousness, and the faithful heart of the revolutionary.

This is the corps specially charged with the protection of the State, and after the notorious 30 June 1934 it was rewarded by being taken out of the Party hierarchy and placed directly under the *Führer*. What sort of training this internal army receives can be well imagined from their work. So-called *Junker* schools have been set up for the training of their leaders, but their inmates are a very different kind of *Junker* from those who bore that name during the period of the Monarchy. There is nothing of the squire about these lads, who mostly come from the lower middle classes. In order to eliminate any traditional influence they may receive at home, these modern 'squires', who stand in much the same relation to their predecessors as the modern tank to the ancient chariot, receive an intensive course of military and police training, as well as instruction in race, politics, economics, and indeed every activity which has been stamped by National-Socialism.

Himmler has composed a watchword for the S.S. man. It reads:

'Thus we have taken up our position and march according to unalterable laws; we are an order of National-Socialist soldiers and bear the Nordic stamp; we are a sworn community of clans. We march onward into a distant future,

¹ Gunter d'Alquen, *Geschichte, Aufgabe und Organisation der Schutzstaffeln der NSDAP*, p. 23 (1939).

imbued with the hope and faith, not only that we may put up a better fight than our forefathers, but may ourselves be the forefathers of generations to come, generations which are necessary for the eternal life of the teutonic Germanic nation.'

To know something of the S.S. man is important because it shows the spirit in which he approaches his task. His powers are indeed almost omnipotent, and he exercises them with a fervour born of religious fanaticism, whose danger is increased by the efficient ruthlessness with which he is taught to achieve his object.

The Job the Men Do

The famous statute of 1936 defined the work of the *Gestapo* in this way:

'It is the duty of the Secret State Police to expose and to oppose all collective forces which are dangerous to the state, to collect and evaluate the results of these findings, to inform the government and to keep all authorities informed of all evidence. The Chief of the Secret State Police, in agreement with the Minister of the Interior, decides which individual matters are to be given to the Secret State Police.'

In view of this very general authority it seems rather fatuous that the following sentence of the section should say that the jurisdiction of the organs of ordinary law-enforcement remains undisturbed.

Still, the dry language of the statute conveys but a vague impression of what the Secret State Police is charged with. Reference may therefore be made to the definition of the term 'political police' in the principal book on this subject. After quoting the relevant section of the Act it reads:¹

'The political police of the National-Socialist State is the central instrument of state power which has been created by the S.S.; it guarantees the protection of the nation, party and state as well as their political and philosophical development. It does so by breaking all resistance by forces inimical to the state in the political and philosophical field. . . . Our political police is comprehensive because it is omnipotent;

¹ Schweder, loc.cit., p. 186.

it strikes inflexibly by means of the sanctions which it is entitled to impose, but at the same time it is elastic towards the living development of nation and state which it serves.'

This, then, is the work defined. Let us proceed to give some illustrations. In doing so the new conception of the word 'political', already referred to, should be borne in mind. We must also remember that National-Socialists see even comparatively harmless occurrences in the light of their potential effect on their movement. If, therefore, some of the incidents given below seem trivial in themselves, that should not deceive us about the true aims of the secret police.

Since it is a matter of essential importance for the State that everyone should profess National-Socialism and nothing else, the *Gestapo* keeps a keen eye on press, religious bodies, sects, orders, and members of the former lodges and political parties. Illustrations of this side of their activities have been given above where police measures against members of the clergy were mentioned. In one reported case, which was later tested in court, a sect had been dissolved because its members were conscientious objectors and 'internationally orientated'. A former member was punished because he used to dine in a family which had belonged to the banned sect. The prayers held during those visits were considered evidence of a cell being formed with a view to reviving what the police had forbidden.

Similarly, since no opposition against the Government can be allowed to grow, the police watches closely everyone who, by criticism even of a vague kind or by grumbling, stirs up dissatisfaction, be it in the smallest circle.

Since it is the bounden duty of every German to uphold the national 'honour', the police interferes with persons who disgrace their race by having sexual intercourse with non-Aryans. But under this head fall also such harmless actions as standing a drink to a Polish prisoner of war. According to German newspaper reports both host and innkeeper were detained, and the latter lost his licence.

Since the battle of production and for self-sufficiency,

begun long before the present war, must on no account be interfered with, the police are on the look-out for profiteers, offenders against food and other control measures, and persons guilty of economic sabotage. With such persons they deal at their discretion. The borderline between economic sabotage and simple negligence is very slight. If the *Gestapo* believes that an accident in a factory was due not to the disregard of ordinary safety provisions, but to the intention of impeding the national effort, it proceeds against the offender at pleasure. Nobody can insist on rules of evidence or principles of fair hearing being observed.

Though non-compliance with rationing and other control regulations is punishable by the ordinary courts, the secret police nevertheless deals with offenders if it chooses to do so. Thus a newspaper reported the arrest by the *Gestapo* of eleven business men who were alleged to be guilty of such offences in a certain town. The paper added that these cankers of the nation would be sent to a concentration camp for a long period. School and university teachers receive the same treatment for unorthodox words spoken in the exercise of their profession.

These are only a few illustrations. In addition, the secret police can and does arrest persons who are not even thought to have committed an offence, but who are likely to possess valuable information. When the police suspect certain workers in a factory of carrying on subversive activities, they will arrest fellow workers who might be able and willing to give information about the ringleaders. In one case, where a criminal prosecution was not making the desired progress, counsel for the accused was simply detained by the *Gestapo* in the hope that some pressure on him might result in sufficient evidence coming to light against his clients to bring about a conviction.

When one bears in mind that these are only isolated and often minor cases, that reports of the really important activities of the secret police rarely find their way into the newspapers, and that those activities are carried on by a force numbering many hundreds of thousands, aided by

informers posted in blocks of flats, factories, workshops, schools, and so on, its enormous scope becomes apparent, as well as the influence it must have on the daily life of the nation. The police are an ever-present menace, the oppressive weight of which can hardly be gauged by anybody who has not lived in Nazi Germany. The feeling produced is that of a perpetual internal spy scare.

How the Men do the Job

Since nothing done by the secret police can be challenged in a court of law, it is absolutely free in its choice of methods. In addition to the power of the secret police to issue commands to other police authorities, to search premises, expel persons from a district, revoke licences, and make all manner of orders, examples of which we have given above, the *Gestapo*, of course, can, and does, inflict the supreme penalty, death. The German rulers have taken care not to mention this power in statutes or regulations, but cases of killing are known both in concentration camps and outside. Moreover, it follows necessarily from the ever reiterated rule that no one can challenge acts committed by Himmler's guards.

There are, however, three forms of sanction peculiar to the *Gestapo*: warning, protective custody, and concentration camp.

Warnings are very frequently issued. The person to be warned is called to the nearest secret police office and told that certain matters in his life have come to light and that their repetition will entail severe consequences. Counsel for accused persons, for instance, are often warned that words spoken in court in defence of their clients have caused displeasure, and that continued disregard of the warning will land them in a concentration camp.

The term 'protective custody' needs some explanation. In its original meaning it described the detention of a person who had committed no offence, but whose behaviour had excited the mob so that the police could effectively guard him only by detaining him at a police

station. But immediately after the establishment of the National-Socialist Government vast numbers of persons were taken into protective custody without those conditions being fulfilled. It was a very convenient way of getting hold of opponents of the régime. In fact, this is one of the few repressive measures which received statutory sanction at a very early date. In its new meaning protective custody is the arrest of persons by the secret police, not for their own protection, but in order to protect the State against their activities, and we know by now what is regarded as dangerous to the State.¹ National-Socialists knew full well from the days of their own struggle by what trivial means they could themselves jeopardize the Government. Their own writers, describing the police powers of the Weimar Republic, openly scoffed at them as 'suicidal', and the new régime therefore uses police action against activities in which, before 1933, its followers used to indulge with impunity.

The last, and most feared, of the secret police measures is the concentration camp. The number of these camps is not known; at least one of them houses women. This is not the place to describe the horrors of those death-traps where S.S. men revel in orgies of cruelty. Terrible evidence has been collected in the above-mentioned British Government White Paper on the Treatment of German Nationals in Germany. There are some institutions of National-Socialist Germany which, though perhaps repugnant to the democratic way of thinking, yet in many ways fit into a development reaching far into German history: the growth of the central power of the Reich, the glorification of national 'honour', the deification of the State, the regimentation of all spheres of life. These things may be regarded as progress, if not in a direction we favour. But what happens in concentration camps is savagery which in its ghastly thoroughness is reminiscent of the dark ages of the Thirty Years War and the peasant wars.

¹ This 'protection' of the Reich is also reflected in the 'Protectorate' of Bohemia and Moravia and the 'protection' of Scandinavian neutrality.

The concentration camp is really a particular kind of protective custody; an outward sign of this is the inscription on the gate of the Oranienburg camp which reads Protective Custody Camp (*Schutzhaftlager Oranienburg*), whereas Buchenwald is pleasantly described as Forest Camp (*Waldlager*). Nevertheless, Nazi lawyers distinguish between the two institutions, though without explaining exactly what the distinction is. Which method the police adopt in an individual case is in general arbitrary, but administrative practice indicates the use of protective custody in cases where even in National-Socialist Germany a judge would not be likely to issue an arrest warrant. In certain cases protective custody is used as a form of punishment, where, for some reason, the concentration camp does not seem appropriate, as in the case of the ex-chancellor of Austria, Herr Schuschnigg.

The best-known *Gestapo* prison is the Columbia House in Berlin, where men and women are kept in separate departments awaiting trial by ordinary or special courts, a trial which may never come. Others are taken to Columbia House, to be distributed thence among the concentration camps. Only a few fortunate ones are released.

The concentration camp is nearly always a form of political punishment, inflicted without trial and imposed for an indefinite period. In this way individuals and groups are punished by way of reprisal, as e.g. thousands of Jews after the murder of Dr. vom Rath, though some evidence suggests that the pogrom had been prepared beforehand, and that the murder was seized upon as a convenient pretext. In addition, the secret police detain in these camps persons of whom they fear mischief if left at large. This method they like to adopt prior to actions of prime political importance; thus before the remilitarization of the Rhineland the police arrested numerous men known or suspected to be opposed to the Party. All this is done in time of peace!

Against neither form of curtailment of personal liberty is there a remedy, except, by way of representation or peti-

tion. Even this is discouraged. For instance, after the demonstrations in Czechoslovakia on 15 November 1939 the *Gestapo* announced that some 1,200 persons had been sent to concentration camps, and continued:

'In the course of the last days the competent authorities have received numerous inquiries and representations. It is hereby declared that such applications are entirely useless and cannot be answered.'

Persons are sent to concentration camps even after an acquittal by the court or when discharged from prison after having served their sentence, if, for instance, the latter is not considered sufficiently long by the secret police. The most famous case of this kind was Pastor Niemoeller's arrest after his release by the court. On the whole, such interventions appear to be less likely when a sentence has actually been served, and counsel for the accused often even advises his client to allege extenuating circumstances and plead guilty, in order to avoid the risk that an acquittal might tempt the *Gestapo* to take a hand.

Gestapo or Trial?

It will have been observed that the ordinary administration of justice continues, side by side with the exercise of the *Gestapo*'s powers, even in cases of typical National-Socialist offences, such as racial disgrace, listening to foreign broadcasts, or slackness in performing national duties; here one would have expected the concentration camp straight away. It is impossible to discern any principle on which one or the other procedure is adopted. Moreover, there exist in Germany so many disciplinary tribunals for members of particular associations and estates, such as the Reich Food Estate (*Reichsnährstand*), that the question arises: Why do the rulers of the Third Reich indulge in the luxury of trials and quasi-judicial proceedings if they have at their disposal measures so much simpler?

There are several answers to that question. The first is the force of custom. Before the Nazis, Germany had an excellent system of judicial administration, and to abolish this

would have brought no advantage to the new rulers. Therefore the courts, staffed more and more by judges imbued with National-Socialist doctrine or 'co-ordinated', continue to function, and it is convenient that they should try the vast number of non-political cases which fall outside the province of the secret police. The word 'non-political' calls for comment, since, as we have seen, in National-Socialist Germany the political sphere is all-embracing; but here again we meet the National-Socialist phenomenon of split language; for the word 'political' is applied, now in its traditional, and now in its new sense, by the same persons. The truth of the matter probably is that the *Gestapo* does not wish to be concerned with cases of ordinary theft, fraud, and the like, nor with modern Nazi offences when either the offence or the offender is too unimportant to bother about.

Let us look at another class of case. Many *causes célèbres*, such as the Reichstag Fire Trial, the trials of priests and nuns for currency and sexual offences, and the Niemoeller trial, have been brought before the ordinary courts. All those cases fell within the jurisdiction either of the courts or of the *Gestapo*, yet the latter preferred to leave them to the former in order that a grand show could be staged which would serve the political aims of the day. Such trials are used to demonstrate to the nation existing dangers and to prepare public opinion for political drives. The trials just mentioned were designed to influence the public in favour of the suppression of Communists and of a drive against the Churches. Again, it was announced that the British officers Best and Stephens, who were kidnapped at Venlo, would have to stand their trial. If such a trial takes place it will be used to promote anti-British feeling. Moreover, such trials are public demonstrations of the power of the Nazi State, and certainly have a deterrent effect. The Niemoeller trial, however, showed that in court the secret police does not always have its own way. Though it undoubtedly tries, and often successfully, to intimidate the court, there are sometimes limits beyond

which the judges will not go. In such a case the *Gestapo* steps in a second time, and arrests the acquitted person.

On the other hand, there are the innumerable cases where the secret police arrests persons on suspicion, knowing that no conviction can be obtained even from faithful National-Socialist judges. The real political opponents of the Nazis, too, are steadfast characters, often fanatics whom no pressure can induce to confess. If the secret police officials are satisfied that their man is a political opponent of the régime, they do not expose themselves to a show-down in court, but administer their own justice. Though from the nature of the case no individual instances are on record to prove this proposition, we have excellent authority for its accuracy. Dr. Best, a man mentioned above as high up in the secret police organization, has openly referred to this side of their work: the ordinary criminal law, he argues, is incapable of suppressing fanatics and of foiling determined secret plots against the nation. Rules of law indicate to the would-be criminal how much is permitted to him, and this freedom cannot be conceded to an enemy of the State. No legal shackles may hinder the State defence, rather must it adapt itself to the changing strategy of the enemy. This is the preventive task of the *Gestapo*; it claims the status of an army and, like an army, cannot suffer legal rules to hamper its initiative in the fight.

It is possible that there have been those in Germany in whom an argument on these lines has aroused misgivings, and who find it hard to see why the ordinary courts should not be a sufficient bulwark for the defence of the State, strengthened, as they have now been, by the practice of including all manner of preparatory acts in the definition of the modern crimes. If so, they have been answered by Professor E. R. Huber, who puts the case for the *Gestapo* in this form:¹ To convict for treason or for attempted offences against the State an overt act is required. Thus many enemies of the State would escape. Therefore a strong

¹ *Zeitschrift der Akademie für Deutsches Recht*, 1938, p. 79.

executive is needed which can stop 'tendencies and intentions' before they materialize in open acts of preparation.

Finally, there is another good reason why the secret police deal with certain cases behind the closed doors of their offices and prisons and in the live-wire seclusion of their concentration camps. Schweder¹ has expressed the opinion that in combating opposition, especially where opposition is connected with international organizations, the work of the police deserves the more praise the less the nation sees of the struggle, and the more quietly the nation is thus allowed to proceed undisturbed with its work of reconstruction. Translated into plain language this means that a mass of cases must be dealt with secretly so as not to give the public the impression that the Government is threatened by a strong opposition. The number of offenders or suspects of whom the public may be allowed to hear must remain limited.

Nazism versus Liberalism

Even in National-Socialist Germany the voice of the doctrinaire is not altogether silenced, and one or two voices must be heard here on the conception of the police in general.

Dr. Drews, the President of the Prussian Administrative Court which laid down the immunity of the secret police judicially even before a statute had provided for it, has made a somewhat pathetic attempt to base modern practice on the old law. In his view the old terms 'public safety' and 'order', which the police have to protect, have been 'revalued' by National-Socialism. They now have reference to anything that may endanger the Nazi State or retard its development. Thus the old terms now cover criticism, hate, disregard of national customs, and satirical jokes. More modern authors, however, seem to consider this way of thinking unsatisfactory, though it does not occur to them that it is dishonest. They do not, however, seem as yet to have reached agreement among themselves,

¹ Loc. cit., p. 172.

and it would lead too far to discuss their various attempts at a new definition of the function of the police. What has been said above about the legal basis of the secret police shows the direction in which opinion tends.

More interesting is the contrast drawn between the liberalist and the National-Socialist police. The latter is said to have a 'dynamic' character. The police in general, and primarily the political police, must defend, not the mere *status quo*, but those great national movements which show the nation on the march, as, for instance, the economic four-year plan, and now the prosecution of the war. This can be done only by suppressing all opposition, or, in other words, by 'forcing open the road' for such movement. The neutral liberalist *Rechtsstaat* allowed the free interplay of forces: the National-Socialist State, on the other hand, dictates a dynamic policy. The political police is one of its weapons. It takes an active part in the realization of the political aims of the State. Some writers are at pains to distinguish between the eighteenth-century police State and that of National-Socialist Germany by pointing out that the exercise of power in the former was arbitrary, whereas in the latter it is governed by the wish to serve the community as a whole. The distinction is not convincing.

The Gestapo outside Germany

The *Gestapo's* role as promoter of State policy becomes especially apparent in its activities abroad, though of no other branch of its work is it so difficult to obtain reliable evidence. Some non-German newspapers are inclined to describe every active National-Socialist outside Germany who is engaged in pro-German propaganda as a *Gestapo* agent, but most of the evidence goes to show that, abroad as at home, propaganda for the German cause and propagation of National-Socialist doctrine remain strictly separate from secret political police work. Again, though it would seem but natural that *Gestapo* and naval and military intelligence services should co-operate closely,

there can be no reasonable doubt that the work of the secret police beyond the German border has a much wider scope.

Abroad, the secret police acts as an instrument of German foreign policy. As such it seems to have two main tasks, the collection of information and the creation of unrest. In its former capacity the *Gestapo* collects material on everything that it may be important for the German Government to know when deciding its line of policy in the field of foreign affairs. Questions of high finance and business in other States, the interrelation of business and politics, relations between different races in a country, international economic relations, education—there is hardly a single matter that will not interest the German secret police agent abroad. He must shadow German residents in the country he covers, and see that Nazi spies do not sell out. Finally, it belongs to his duties to compile lists of prominent anti-Nazis who are citizens of the foreign State so that measures can be taken against them if occasion arises. The creation of unrest consists not in mere general political propaganda, but in the organization of those centres of opposition against the Government which are now known as the Fifth Column. Diplomatic immunity is very often used to conceal and assist the *Gestapo*'s efforts in this field.

Of course, the German secret police abroad can take no coercive measures officially, but by bribery, intimidation, or promises, the actions of government departments may be influenced, and economic pressure is brought to bear on private firms. More than once, too, German agents have brought recalcitrant persons to book by kidnapping them so that they can be dealt with adequately on German soil.¹

Recent events have lifted a little more of the veil which shrouds German secret police work in foreign countries. When we hear how the German armed forces entered

¹ The best works on this side of secret police work are Tourrou, *Nazi Spy Conspiracy in America* (1939); Garbutt, *Germany: The Truth* (1939; most interesting on the police preparation of the seizure by Germany of Czechoslovakia); and Dehillotte, *Gestapo* (1940), on work in foreign countries generally.

Denmark and Norway, and found their way about in Danish and Norwegian towns, when we hear that a German general who was taken prisoner in Holland had in his possession names of persons to be shot as soon as he was in charge of a certain district, we get some kind of idea of the preparatory work of the German secret police. Moreover, the moment the German armed forces have the situation somewhat in hand, the *Gestapo* follows, and sends the S.S. shock troops to carry out 'dynamic' police work presumably on the above-mentioned basis of the 'unwritten law of the Reich'. It is never long before Himmler himself pays a flying visit to the capital of the newly conquered territory in order to organize the *Gestapo* and to fit the local forces into the hierarchy of the German Secret State Police.

The rulers of the Third Reich, always anxious to wrap a cloak of respectability round their illegal acts, have recently attempted to give a legal basis to past or future measures in newly conquered territories. According to a Zürich report¹ it has now been decreed with retrospective force that part of the German penal law shall apply to offences committed abroad by Germans and foreigners alike. The list of offences ranges from high treason against the Reich (!) to 'malicious or agitatorial utterances against leading persons of the State or the Nazi Party'. The Reich thereby usurps the right to legislate for foreign countries, and the secret police agents there assume the role of legal executive.

From an article published in the *Frankfurter Zeitung* of 18 May 1940, this decree would appear to be founded on a new principle of German criminal law. Henceforth Germans must always remember that the criminal law of the Reich applies to their acts whether committed at home or abroad. But German ambition reaches still farther. The Third Reich has also established the principle that foreigners are subject to German criminal law even in respect of acts committed abroad, such as treason,

¹ *The Times*, 21 May 1940.

coinage offences, and offences against German officials, if the defence of German interests requires this.

This unique principle is justified in two ways. It is said that hereby German law returns to the old legal principle of the personal, as contrasted with the territorial, basis of jurisdiction. Even Nazi lawyers rarely sink to such fallacious reasoning and twisting of historical facts. The medieval maxim that the wrongdoer carried with him his own law meant merely that if abroad he was entitled to be judged there by his native standards. It did not and, since the Middle Ages had a conception of the State which differed widely from ours, it could not mean that the wrongdoer's home State presumed to reach across its borders to grip its own subjects. Apart from that, by no possible stretch can this personality principle be made to cover crimes committed by foreigners abroad.

Indeed, the true foundation of this new usurpation of lawgiver for the world is contained at the end of the article, when it is said that the new principle manifests in the legal sphere the increase in the might of the Reich.

Conclusion

The *Gestapo* is therefore no mere secret intelligence service without executive powers and subject to the law of the land. The German secret police enjoys absolute immunity for its acts and a measure of control over the administrative departments which approaches supremacy. It is independent of judicial control; it operates by the weight of numbers and ubiquity, aided by an unknown army of informers. Lastly, the members of this force are imbued with the spirit of the National-Socialist Party as well as of that of its *élite*, the S.S. These men are regarded as the bodyguard of the German Nation and State. They are not policemen working for the maintenance of law and order, but admittedly fanatic soldiers of National-Socialist politics, fighters for militant National-Socialism at home and all over the world.

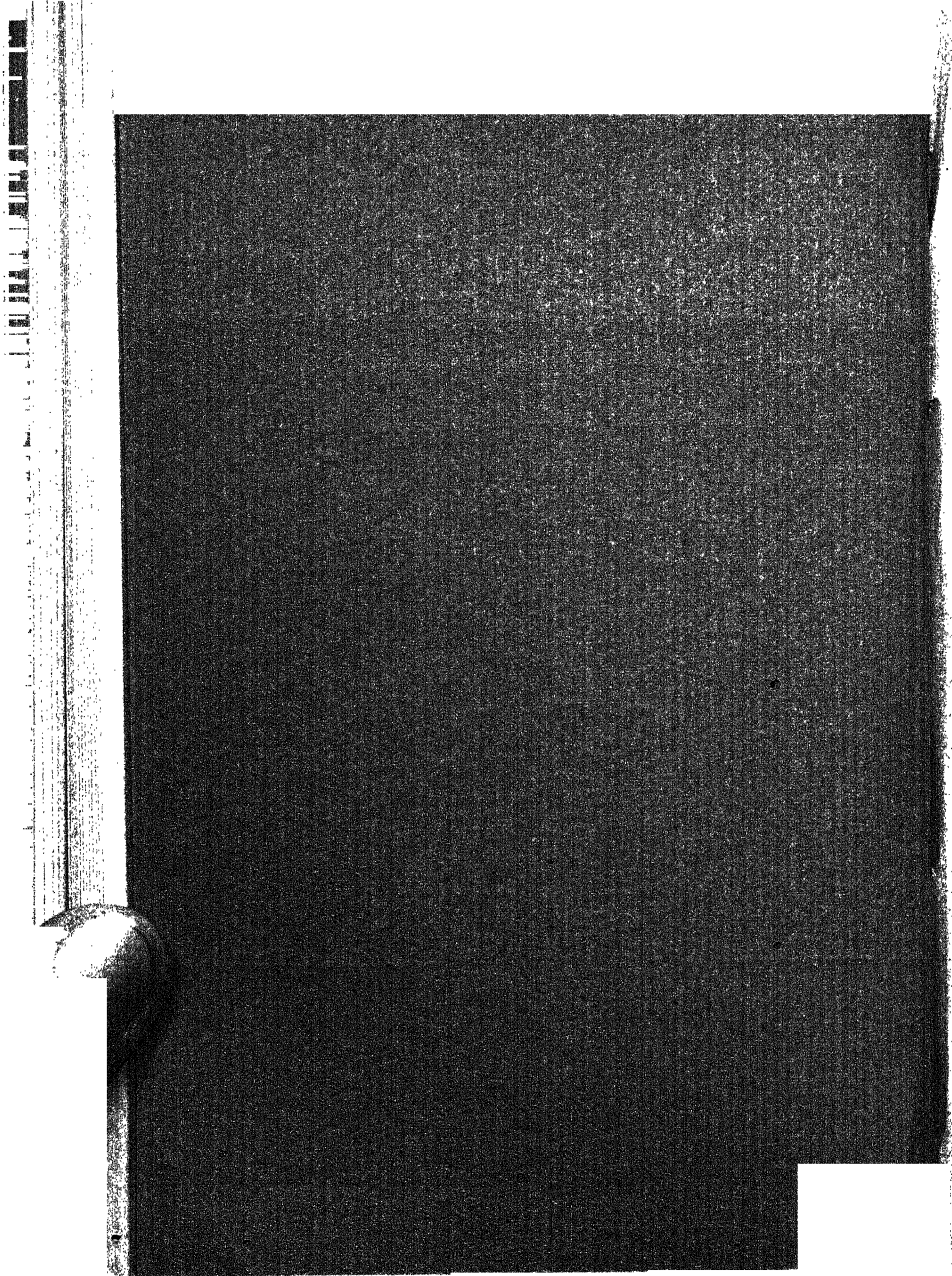
background and causes of the present state of the world, the following notes may be of some assistance.

The best and most up-to-date general picture of England as she was from the rise of Germany in 1870 to the outbreak of the First World War is given in Mr. Ensor's book *England 1870-1914* (1931) which is Volume 14 of the new *Oxford History of England*. A reliable German account of German foreign policy during the same period is given in E. Brandebourg's *From Bismarck to the World War* (trans. by A. E. Adams, 1931). Mrs. C. R. M. E. Cruttwell's *History of the Great War 1914-1918* (1931) may be recommended as the standard one-volume work on the subject. Mr. C. M. Gairdner-Kelly deals with the period between the two wars in his *Short History of International Affairs 1919-1928* (St. ed.), a book issued under the auspices of the Royal Institute of International Affairs.

The two volumes in *Speeches and Documents on International Affairs* edited by Professor A. R. Keith (World's Classics, 2s. 6d. each), and the selection of political writings in Sir Alfred Zimmern's *Modern Political Doctrines* (7s. 6d.) illustrate the conflict of doctrines so much in evidence today.

The outbreak of the present war is described and discussed in the lectures by H. A. L. Fisher, G. H. Lindsay, Gilbert Murray, R. C. E. Ensor, Harold Nicolson, and J. L. Bury, collected and published in one volume under the title *The Background and Rise of the War 1914*.

The earlier games under are not under 1914, and in October 1915, but are likely to alter their content before



OXFORD PAMPHLETS ON WORLD AFFAIRS
No. 37

WAR AND TREATIES

BY
ARNOLD D. McNAIR

OXFORD
AT THE CLARENDON PRESS

1940

K. MAHADEVAN BOOKSELLER, MYLAPORE.

WAR is waged in order to bring about some change in the existing order of things, a change which one or both of the belligerents is unwilling to entrust to the machinery of international law, so far as such machinery exists. Indeed, as mankind in general regards war as the greatest of evils, and nations are constantly devising treaties and pacts and conventions by which they seek to minimize the risk of this evil, the outbreak of a war generally has to be preceded by the tearing up of numerous 'scraps of paper', and this process is accompanied by pleas that the treaties were 'unjust', or have become obsolete, though the truth may be merely that they have exhausted someone's patience.

The most fundamental condition of every attempt of men to live together is a reasonable amount of good faith. Treaties therefore must be kept, otherwise the whole system of international society breaks down. On the other hand, circumstances change, and there must be some provision for revising treaties without recourse to war.

In this Pamphlet the Vice-Chancellor of Liverpool University, one of the greatest living authorities on International Law and formerly Whewell Professor of International Law in the University of Cambridge, discusses the dilemma, contrasts the weakness of international law compared with national systems of law in its machinery for 'peaceful change', and points the way to future improvement.

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

WAR AND TREATIES

What is a Treaty?

ANY attempt to consider improvements in the law and practice of treaties while Germany is under her present governors seems at first sight a waste of time. Treaties impose no check upon a country like Germany in her present mood, and it is only steadily increasing force that can restrain her. But we must be careful not to 'mistake a distressing phenomenon for an incurable disease'. If we thought that the leaders of Germany were going to dominate the world or infect it with their attitude towards treaties, we should at once scrap the whole system of the making and observance of treaties which international society has gradually developed through many centuries, and settle down to a world system resting solely on force and in no part on good faith. That would be a counsel of despair. We should ignore all the lessons of history if we did not realize that, when this great struggle is over, there will be an intense and widespread desire to take a big step forward in the organization of international society. This desire will not be confined to ourselves and our allies and such few neutrals as may remain. To capitalize that desire and to make the most of that opportunity when it comes, it is essential to understand the existing international institutions so that we can profit by their past and eliminate their defects.

It is therefore fitting that we should examine the treaty system which is one of the main factors in securing that measure of stable relations and peaceful intercourse that we have enjoyed in the past. This is particularly necessary if we hold, as I do, that defects in the existing machinery of the making and revision of

treaties must bear some responsibility for Germany's getting into her present condition and Samson-like involving a large part of the world in her own self-destruction.

What then is a Treaty, in which term we must include Conventions, Declarations, Protocols, Exchanges of Notes, Pacts, &c.? In its simplest form it is an agreement between two or more States. But, although every treaty involves the agreement of two or more States, to define it as an agreement between States is an over-simplification. The fact is that, whereas in the internal life of States and in the private affairs of their subjects a large variety of legal instruments is available and a choice is made of the most suitable to the purpose in hand, the treaty is the main instrument with which the society of States is equipped for the purpose of carrying out its multifarious transactions, and the only instrument when it is desired that those transactions should be embodied in an agreement. In England, for instance, we make use of many different legal instruments in the internal life of the State. We use the *contract* for carrying out most of our business affairs involving the action of more than one person; the *conveyance* or *assignment* of immovable or movable property, which may be made for a money consideration or may take the form of a gift or an exchange; the gratuitous *promise* clothed in a particular form; the *charter* or *private Act of Parliament* creating a corporation; the *public Act of Parliament* which may be declaratory of existing law, or create new law, or codify existing law with comparatively unimportant changes, or may enact a part of our constitution; and one of our greatest constitutional documents, Magna Carta, though ultimately it became an Act of Parliament, in form closely resembles a treaty.

The Various Functions of Treaties

The result of the poverty of international legal institutions is that the treaty has to do duty for a great variety of purposes, and it is necessary to enumerate them in order to assess the bearing which war has upon them, and the degree to which the attempt to endow treaties with perpetuity may contribute to the outbreak of war. Thus, if international society wishes to enact a fundamental, organic, constitutional law, such as the Covenant of the League of Nations was intended to be and in large measure is in fact, it employs the treaty. If two States wish to reaffirm their adherence to the principle of the three-mile limit of territorial waters, as in the first article of the Anglo-American Liquor Convention of 1924, they use a treaty. If Denmark wishes to sell to the United States of America her West Indian possessions, as she did in 1916, or if Great Britain wishes to cede Heligoland to Germany in return for a recognition of certain British rights in Africa, as happened in 1890, they do so by treaty. If the British Empire wishes to lease naval bases to the United States of America, that will be done by treaty. Again, if the great European Powers are engaged upon one of their periodic resettlements and determine upon certain permanent dispositions to which they wish to give the force of 'the public law of Europe', they must do it by treaty. If it is desired to create an international organization such as the International Union for the Protection of Works of Art and Literature, which resembles the corporation of private law, it is done by treaty. And if two or more States wish to form an alliance such as the Anglo-French alliance, or to put on record their mutual intentions of amity and non-aggression, as in the German-Polish Treaty of 26 January 1934, or to

join in guaranteeing the security and inviolability of another State such as the permanent neutralization and inviolability of Switzerland, they must employ a treaty. If a large group of States wish to lay down rules of law which will govern their future conduct in peace, such as the conventions regulating air navigation or the use of navigable waterways, or in war such as the Declaration of Paris on sea warfare or the Hague Conventions, they do so by a multipartite Treaty. Many such treaties receive almost universal assent and, being the nearest approach, for a society lacking a legislature, to legislation, are sometimes called 'law-making treaties'. This is, however, a dangerous metaphor because treaties, unlike statutes, only bind those who assent to them.

This enumeration of the various functions performed by the treaty is enough to show that it is impossible to state with accuracy rules of law and practice applicable to treaties of all kinds. But we are here concerned mainly with the more political kinds of treaty, using the word in the widest sense—treaties relating to territorial matters, alliance, mutual support, guarantees of inviolability, non-aggression, and so on. Within these limits, let us now consider (1) the recent shock to the Sanctity of Treaties; (2) the Durability and the Revision of Treaties; (3) International Supervision of Treaty-making.

THE RECENT SHOCK TO THE SANCTITY OF TREATIES

Uppermost in the minds of many millions at the moment is the feeling that the very basis of our society—mutual good faith—has received a shattering blow. The most fundamental condition of every attempt of men to live together, that is, to live as social beings, as members of a society, be it the human family or the village or town or State, or, the latest form of society attempted, the Family of Nations, is a reasonable

amount of good faith—as much as is consistent with the stage at which human nature at any given moment has arrived. That the standard of conduct expected by society of the ordinary man is higher than it formerly was cannot be denied. The Old Testament and the books of Homer bear witness. At those moments in the history of the world when our reliance upon the common standard of mutual good faith receives a rude shock, we feel as if the bottom had dropped out of society—as if we must begin all over again to build up laboriously that modicum of good faith and straight dealing without which a social life is impossible. And as we are compelled to lead a social life, whether we like it or not, and by our discoveries and inventions are continually extending its bounds and intensifying our dependence upon it, we feel at such moments of shock as if the very permanence of our existence was at stake.

We stand at one of these moments in the history of man to-day.

• ‘Pacta sunt servanda’

From the earliest times society has insisted upon the necessity of one man being able to rely upon the word of another, and the covenant-breaker has always been singled out for peculiar opprobrium. The early history of almost every people abounds with attempts to fortify the binding obligation of private contracts and public treaties by resort to extraneous securities. God is called to witness the plighted word. Oaths are exchanged and the Divine wrath is invoked upon the perjurer. Montague Bernard tells us that in the earliest extant treaty of medieval Europe, in the sixth century, the parties swore ‘by the name of God Almighty, by the Indivisible Trinity, by all Divine things, and by the dreadful day of the last judgment’,

and that down to the Treaty of Paris of 1856 the ancient and pious formula in treaties 'In the name of Almighty God' remains 'a last relic of the natural sentiment that a great public act, such as a Treaty of Peace, is suitably clothed with the solemnities of religion'. To the Divine sanction have been added from early times material sanctions in the form of penalties or of hostages—men, lands, and cities—to secure the faithful performance of a treaty. In fact, there is no principle of law which has received such universal homage and is so widely spread as the rule *pacta sunt servanda*—agreements must be kept.

The classical affirmation of the binding force of treaties is to be found in the Protocol which preceded the Treaty of London of 13 March 1871. Russia had seized the opportunity of the preoccupation of France, Prussia, and Great Britain with the Franco-Prussian War to repudiate the Black Sea clauses of the Treaty of Paris which had been imposed upon her at the end of the Crimean War in 1856. She alleged certain breaches of those clauses by other parties to the Treaty as a ground of repudiation, but in substance her case was that she was weak in 1856 and was now relatively stronger. She presented the other parties with a *fait accompli* and 'got away with it'. The Treaty of 1856 was modified by the Treaty of London of 1871, but in a Protocol which preceded the modification Great Britain, France, Italy, Prussia, Russia, and Turkey put on record the following declaration which has constantly been cited since as an affirmation of the binding force of treaties:

'That the Powers recognize it as an essential principle of the law of nations that no Power can liberate itself from the engagements of a treaty nor modify the stipulations thereof, unless with the consent of the contracting parties by means of an amicable understanding.'

No State denies the binding force of treaties, and every time a breach takes place the violator pays homage to the rule by endeavouring to justify his action upon some legal ground, such as a prior breach by the other party.

Hitler's Way With Treaties

Hitler's idea of a treaty is illustrated by a passage from Rauschning's *Germany's Revolution of Destruction*, quoted and endorsed from painful experience by Sir Nevile Henderson in his *Failure of a Mission* (p. 79). Hitler 'was ready to sign anything. He was ready to guarantee any frontier and to conclude a non-aggression pact with anyone.' According to Hitler

'it was a simpleton's idea that expedients of this sort were not to be made use of, because the day might come when some formal agreement had to be broken. Every pact sworn to was broken or became out of date sooner or later. Anyone who was so fussy that he had to consult his own conscience about whether he could keep a pact, whatever the pact and whatever the situation, was a fool. He could conclude any pact and yet be ready to break it the next day in cold blood if that was in the interests of the future Germany.'

It would be tedious to enumerate all the instances of this 'sickening technique'. A few of the more flagrant will suffice:

(a) *The Naval Agreement*. On 18 June 1935 Great Britain and Germany entered into a Naval Agreement which was described as a 'permanent and definite agreement' fixing the ratio of the tonnage of certain classes of the vessels in their respective fleets. This agreement was denounced by Germany on 28 April 1939.

(b) *Austria*. On 11 July 1936 Austria and Germany entered into an Agreement which contained the following clause:

'Being convinced that they are making a valuable contribution

towards the whole European development in the direction of maintaining peace, and in the belief that they are thereby best serving the manifold mutual interests of both German States, the Governments of the Federal State of Austria and of Germany have resolved to return to relations of a normal and friendly character. In this connexion it is declared:

- (1) The German Government recognizes the full sovereignty of the Federal State of Austria in the spirit of the pronouncements of the German Führer and Chancellor of May 21, 1935.
- (2) Each of the two Governments regards the inner political order (including the question of Austrian national socialism) obtaining in the other country as an internal concern of that country, upon which it will exercise neither direct nor indirect influence.
- (3) The Austrian Federal Government will constantly follow in its policy in general, and in particular towards Germany, a line in conformity with leading principles corresponding to the fact that Austria regards herself as a German State.'

This did not prevent Germany from invading and occupying Austria in March 1938.

(c) *Poland.* On 26 January 1934 Germany and Poland signed a Declaration containing the following clause:

'Should any disputes arise between them and agreement thereon not be reached by direct negotiation, they will, in each particular case, on the basis of mutual agreement, seek a solution by other peaceful means, without prejudice to the possibility of applying, if necessary, those methods of procedure in which provision is made for such cases in other agreements in force between them. In no circumstances, however, will they proceed to the application of force for the purpose of reaching a decision in such disputes.

'The guarantee of peace created by these principles will facilitate the great task of both Governments of finding a solution of problems of political, economic and social kinds,

based on a just and fair adjustment of the interests of both parties.'

On 28 April 1939 Germany, wishing to clear the decks for action against Poland, denounced this Pact, using as an excuse the British Guarantee of Poland given on 31 March 1939.

(d) *Denmark*. On 31 May 1939 Germany and Denmark signed a Pact of Non-Aggression. Before invading Denmark in April 1940 Germany did not even take the trouble to denounce the Pact.

(e) *The Hague Conventions*. It would take a long time to enumerate the breaches of the Hague Conventions regulating the conduct of war and the rights and duties of neutral States to which Germany is a party and which she has broken since the outbreak of war. Perhaps the most flagrant violations of this type of treaty by Germany are the constant sinking of merchant ships, allied and neutral, by submarines, contrary to the London Naval Treaty of 1930, to which she is a party. This treaty expressly obliged submarines to conform to the established rules of international law to which surface vessels are subject, in particular the rule that 'except in case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety'. The sinking of the *Athenia* in the first week of the war inaugurated a long calendar of such crimes which will continue until the last German submarine is destroyed.

The Interpretation of Treaties

Before leaving the Sanctity of Treaties a few words must be said upon their interpretation. Disputes as to

the interpretation of a treaty stand to international litigation in much the same relation as motoring accidents do to litigation in the English courts of common law. About four-fifths of the Judgments and Opinions given by the Permanent Court of International Justice since it opened its doors in 1922 have been concerned with the interpretation of treaties, and it is now becoming increasingly common—particularly in non-political treaties—to insert a clause which obliges the parties to refer any dispute as to interpretation to the Permanent Court. It is hardly possible to over-emphasize the importance of generalizing this practice. A treaty can be violated, not only by a clear breach or an unjustified denunciation, but also by the subtler means of a claim by a party to a treaty to be entitled to give it his own interpretation. So long as States are not compelled to submit to international tribunals disputes concerning interpretation, the binding force of treaties will always be exposed to strain and danger. The occasions on which the judgment or award of an international tribunal has been defied by one of the parties are extremely rare; the difficulty is to get Governments to agree to refer disputes to international tribunals; once they have got to that point, it is most rare for them not to carry out the decision.

THE DURABILITY AND THE REVISION OF TREATIES

The Sanctity of Treaties is a fundamental principle of international relations (whatever the ruler of Germany may say), but it would be disingenuous to pretend that it admits of no qualifications. *Pacta sunt servanda* is a maxim of Jurisprudence rather than a precise statement of a rule of law, whether public or private, and we must examine its limits. For ebb and flow are inevitable in human affairs, and nowhere more than in international human affairs. As a Russian diplomat,

Baron Brunnow, once said (albeit in connexion with a transaction that reflected no credit upon his country—the repudiation by Russia in 1870 of the Black Sea clauses of the Treaty of Paris of 1856): ‘In the order of human affairs it is in the power of no one to proscribe or deny the action of time.’

John Stuart Mill, writing in the *Fortnightly Review* in 1870 with regard to the same incident, said:

‘What means, then, are there of reconciling, in the greatest practicable degree, the inviolability of treaties and the sanctity of national faith, with the undoubted fact that treaties are not always fit to be kept, while yet those who have imposed them upon others weaker than themselves are not likely, if they retain confidence in their own strength, to grant a release from them?’

But we must bear in mind that what is called the revision of treaties is only a part of the general problem of ‘peaceful change’ in international affairs. During the past twenty years the expression ‘treaty revision’ has become a political catchword and has thus been a cloak for a good deal of confused thinking.

Treaties are classified as ‘executed treaties’ and ‘executory treaties’, or, more precisely, since a great many treaties consist of stipulations of both these types, a treaty may contain both executed and executory provisions. For instance, a treaty which merely cedes territory is said, once the territory has been handed over, to be ‘executed’. It has taken effect and become a mere link in the title of the acquiring State just like a conveyance of land. But treaty provisions such as those of the Treaty of Versailles of 1919 whereby Germany accepted certain limitations upon her naval, military, and air forces, or those of the Anglo-German Naval Agreement of 1935, are said to be ‘executory’; they create outstanding obligations which continue in force. The term ‘treaty revision’

is appropriate to 'executory treaties' because there is something to revise; it is inappropriate to 'executed treaties', because the treaty has already taken effect, and nothing remains of it to revise. You may think that the new territorial dispositions created by that executed treaty ought to be changed again, but you ought not to call that a question of treaty revision. Whether the situation which someone wants to change has arisen from a treaty, as in the case of the Free City of Danzig, or without a treaty, as in the case of the occupation by Rumania of Bessarabia, the problem is really the same. Thus, without ignoring the fact that frequently both peace and justice require a transfer of territory or the adjustment of a frontier, we must not regard such situations simply as cases for 'treaty revision'. In fact, the revision of treaties, which means in effect the revision of executory treaties, forms a small part of the problem of creating the machinery required to give a peaceful form to the changes in international conditions that must inevitably occur.

From the dawn of history force, applied or threatened, has been the chief agent in promoting changes in international conditions. Sir John Fischer Williams's *International Change and International Peace* contains an admirably lucid exposition of this theme. He quotes a passage from the *Round Table* of 1931:

'War is chronic . . . not because anybody wants war or likes war, but because it is the only method by which important political changes can be effected in a world which has no political machinery of any sort for the conduct of its common affairs.'

If the constitution or laws of a State afford no means of effecting changes in the internal affairs of that State, either its citizens use force—for instance by means of a revolution when the constitutional methods are inadequate—or, if the Government is powerful enough to

repress force, injustice may result. As in the single State, so in the world society of States. So long as international society is unable to develop peaceful machinery for giving effect to legitimate aspirations and desires based on political and economic changes, it is inevitable that sooner or later those aspirations and desires will burst their dams and violence will result. 'Come weal, come woe, my *status is quo*' is a disastrous maxim. For example, any attempt to make the series of treaties which will end the present war perpetual is foredoomed to failure. It is vital either that they should contain within themselves the machinery for the revision of their provisions and of the new conditions created by them, or that such machinery should be created outside them and be applicable to them. The problem of reconciling stability with means of peaceful change, of finding a mean between rigidity and flexibility, has so far baffled international society and has been responsible for one crisis after another frequently ending in war. Let us therefore examine how international society stands in this respect, and begin by contrasting international law with national systems of law.

The Contrast between Treaties and Contracts

The two great systems of law—Roman Law and the English Common Law—upon one or both of which the law of nearly every European and American people and of some Asian peoples is based, have found it necessary in the process of time to qualify the principle of the indissolubility of obligations. These qualifications present one of the main differences between national legal systems and the less mature system of international law, although the latter has been inspired by the former and has recruited nearly all its principles and its procedure from them.

The Roman law of *metus* and the English law of duress or coercion, whereby contracts can be set aside when it can be shown that they were entered into under compulsion or threats of force, find no parallel in international law in the case of a treaty which is signed or ratified under the compulsion of military occupation or the threat of the beginning or the continuance of a war by a State possessing overwhelming force. (The case of compulsion applied to the person of a negotiator is different.) No international lawyer who valued his reputation could suggest that the Treaty of Versailles of 1919 was not *legally* binding upon Germany because as the result of her military situation and the peculiar terms of the armistice she had no practical alternative but to accept it. Again, while Roman law and English law contain rules governing the effect of *error* or mistake and *dolus* or fraud (I do not suggest that *dolus* and fraud are identical), only the most primitive and embryonic traces of any analogous rules can be found in international law.

The (national) law of contracts and the (international) law of treaties present another fundamentally important contrast—namely in their ability to meet changes of circumstance. There are several ways in which the law of contracts can meet such changes. A contract may, in course of time, become *impossible* to perform. Both Roman law and (though late in its history) English law recognize that in that case the contract may be dissolved. Again, there may be a fundamental change of circumstances which could not have been foreseen by the parties, or at any rate has not been provided for by them. English law (going farther in this respect than Roman) dissolves such contracts by means of what is known as the doctrine of *frustration*. Moreover, the British statute-book is

now full of instances in which the State by administrative or judicial action can set aside contracts where a change of circumstances has made it contrary to the public interest to maintain and enforce them. We shall search in vain for adequate parallels in international law, and since this deficiency is of supreme political importance and is one of the obstacles to peaceful change, it is worth examining with some care.

Let us consider, first, the legal means, such as they are, of the termination or revision of treaties, and, secondly, the political and diplomatic machinery and practice.

Legal Means for the Revision of Treaties

The law by itself cannot *revise* a treaty. Only the agreement of the parties can do that. But the law can indicate certain circumstances in which it is terminated, and terminated for all parties.¹ Where the subject-matter of a treaty is physically destroyed, as for instance a particular person or ship or other property, there is no doubt that the courts of almost any country, or an international tribunal, would hold the treaty to be terminated. A physical change such as the permanent drying up of a river regulated by a treaty of navigation, the permanent submersion of an island, the complete exhaustion of a coal-mine lying under two countries or of a sedentary fishery, would no doubt have the same result. Where again the change, though not purely physical, destroys the very object or *raison d'être* of the treaty, the result would probably be the same. Thus when Cyprus passed under British administration in 1878, the British

¹ We are not concerned with the circumstances in which one party can found upon the violation of a treaty by the other party the right to declare it terminated. Our problem is to determine what are the circumstances in which it is terminated automatically by the law for all parties.

Government was advised by its Lord Chancellor that the treaty system of Capitulations, the object of which was to bring the subjects of Christian States and their affairs in a Mussulman country under the jurisdiction of their own consuls, would come to an end because 'their *raison d'être* ceases where the legislation and administration is no longer in Mussulman hands'. *Cessante ratione legis cessat ipsa lex* (when the reason of any particular law ceases, so does the law itself).

Similarly, some national legal systems,¹ as we have seen above, contain rules or doctrines which enable their courts, when certain changes occur in the circumstances which formed the basis of a contract, to declare the contract terminated automatically and for both parties and without denunciation by either of them, and there is no reason why international tribunals—for international law is largely recruited from the rules of national law—should not develop a corresponding doctrine. It takes different forms in different legal systems. The doctrine in English law of 'Frustration of the Contract', already referred to, has been defined by a present Law Lord (Lord Russell) as follows:

'If the supervening events or circumstances are such that it is impossible to hold that reasonable men could have contemplated that event, or those circumstances, and yet have entered into the bargain expressed in the document, a term should be implied dissolving the contract upon the happening of the event or circumstances. The dissolution lies not in the choice of one or other of the parties, but results automatically from a term of the contract.'

In several pieces of litigation taking place before international tribunals, or between the inter-State tribunals of Federal States such as those of Switzerland and former Germany, a somewhat similar

¹ See Lauterpacht, *Function of Law in the International Community*, pp. 270-85.

doctrine has been advanced which is known as the *rebus sic stantibus* (things remaining as they are) doctrine, namely an implied condition that a treaty is dissolved by a vital change of the circumstances in which it was made. The text-books of international law contain statements in favour of the existence of this doctrine, and some support can be found for it in the judgments and awards of international tribunals. But while tribunals do not usually deny it a place in international law, in no case that I am aware of has there yet been a clear application of the principle in a piece of international litigation. The doctrine has, however, played an important part in the political and diplomatic settlement of international disputes and in the revision of treaties by agreement.

Political and Diplomatic Practice

One serious result of the immaturity of the *rebus sic stantibus* doctrine and the uncertainty as to its true place in international affairs is that in the hands of an unscrupulous statesman it becomes a standing threat to the principle of the sanctity of treaties. By asserting that treaties only remain in force during the continuance of the circumstances prevailing when they were made, he can, when he thinks that his country is strong enough to throw off an inconvenient treaty, trump up some change of circumstances and claim that the treaty has thereby been dissolved. Whatever may be the future development of the doctrine in judicial hands and as a principle of law, it cannot be tolerated as a wholly unjudicial means of challenging the duration of a treaty. But at the same time States ought to be ready—as are reasonable men in their private affairs—to regard important changes of circumstances as an argument for the re-examination of a treaty by all the parties to it, and they should be willing to enter

into conference with that object when there are any prospects of an agreed revision resulting.

A passage occurring in a dispatch by Lord Granville, the British Foreign Minister, on an occasion already referred to, is instructive:

'If, instead of such a declaration, the Russian Government had addressed Her Majesty's Government and the other Powers who are parties to the Treaty of 1856, and had proposed for consideration with them whether anything has occurred which could be held to amount to an infraction of the Treaty, or whether there is anything in the terms which, from altered circumstances, presses with undue severity upon Russia, or which, in the course of events, had become unnecessary for the due protection of Turkey, Her Majesty's Government would not have refused to examine the question in concert with the co-signatories to the Treaty. Whatever might have been the result of such communications, a risk of future complications and a very dangerous precedent as to the validity of international obligations would have been avoided.'

Time after time, Great Britain and other States have recognized that a change in political conditions is a proper ground upon which to make or accede to a request for the revision of a treaty. For instance, in 1921, in view of the progress made in the legal institutions of China, the British Government became a party to a Resolution which promised sympathy with the aspiration expressed by China for the removal of 'existing limitations upon China's political, jurisdictional and administrative freedom of action' and concurred in the appointment of a Commission on Exterritoriality¹ in China which visited that country

¹ 'Exterritoriality' is the name of the system, rapidly disappearing, whereby the subjects of certain States having a European civilization, while resident in certain countries not possessing that kind of civilization, are withdrawn by agreement from the local jurisdiction and remain under the jurisdiction of their own Governments exercised through consuls.

and reported upon the condition of her judicial system and her treaties with foreign countries stipulating for the extritoriality of their subjects. Again, in 1936, when Turkey took the perfectly correct step of asking for a conference to consider the revision of the régime of the Straits contained in the Treaty of Lausanne of 1923, Great Britain and other Powers acceded to her request and agreed by the Montreux Convention of 20 July 1936 to a modification of that régime. In short, the true bearing of the *rebus sic stantibus* doctrine upon the conduct of international affairs is that certain changes of political conditions form a ground for the re-examination of a treaty by the parties to it. It is a matter of dispute whether in the present stage of the development of international institutions the doctrine can be regarded as a ground upon which it can be claimed that a treaty has ceased to be binding. Some centuries ago it was not uncommon to insert in treaties a clause making their continued validity expressly dependent upon conditions remaining as they are (*rebus sic stantibus*), and it is now becoming common, particularly in treaties between more than two parties, to insert clauses providing for revision by consultation. A recent illustration is to be found in Article 21 of the Washington Treaty of Naval Disarmament of 1922, which contains the following clause:

'If during the term of the present Treaty the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of the Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement. . . .'

This practice is not only free from objection but desirable. At the same time it must be remembered that such clauses only provide for voluntary revision.

A clause which provides machinery for obligatory revision, for instance Article 16 of the Anglo-Egyptian Treaty of Alliance of 1936 stipulating for revision by a binding decision of the Council of the League of Nations, is rare.

It is clear, then, that there exist at present neither legal means nor diplomatic machinery capable of meeting by peaceful processes the inevitable changes to which international society is, as a human institution, exposed.

The answer given by John Stuart Mill to the question raised by him in the *Fortnightly Review* quoted above was as follows:

'To effect this reconciliation, so far as it is capable of being effected, nations should be willing to abide by two rules. They should abstain from imposing conditions which, on any just and reasonable view of human affairs, cannot be expected to be kept. And they should conclude their treaties as commercial treaties are usually concluded, only for a term of years. . . .'

The first of these rules is a counsel of perfection. The second, while it might advantageously be adopted more widely than it is in the making of political treaties of non-aggression, alliance, demilitarization, &c., is clearly not applicable to those treaties which cede territory, determine new frontiers, and effect large territorial settlements such as the great treaties of 1815, 1878, and 1919-20. Fixing a term of years may often be appropriate in the case of treaties which resemble contracts and in legal language remain 'executory' throughout their duration, such as a treaty of non-aggression or a contract of service. But a term of years is not appropriate to the kind of treaty which resembles a conveyance and is 'executed' soon after it has been duly entered into, for instance, a treaty of cession or a treaty for the delimitation of a frontier.

Article 19 of the Covenant of the League of Nations

It may well be that in course of time international tribunals will develop some satisfactory rules governing the effect upon treaties of changes of circumstances, but it would be idle to wait for the operation of this process, for two reasons. The first is that the changes of circumstances which afford the chief threat to peace are changes of political and economic circumstances, and it is these which from the nature of things are the most difficult to bring before a legal tribunal, and with which it is least fitted to deal. The second is that, while legal tribunals might be able to develop rules governing the *termination* of treaties by reason of change of circumstances, it is difficult to see how the same method could be applied to the *modification* of treaties and still less to the consideration of other international conditions endangering peace.

A half-hearted attempt to remedy this defect was made in Article 19 of the Covenant, which is as follows:

'The Assembly may from time to time advise (*inviter*) the reconsideration by members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.'

This Article, which in an earlier form was part of the rigid guarantee of the *status quo ante* contained in Article 10 and was severed from it because it seemed to impair the efficacy of the guarantee, is at any rate a general recognition of the inevitability of change in international affairs and the desirability of substituting for force some machinery of peaceful change. But the machinery was patently inadequate. In the first place, it is not clear (*a*) whether the advice of the Assembly must be unanimous and include the votes of the members concerned, in which case revision is dependent

on consent, or (b) whether the Article merely refers to what is known as a *vœu* (recommendation, wish, pious hope, view or opinion), in which case unanimity would not be required but the advice would not be obligatory, or (c) whether the votes of the parties concerned can be excluded on the ground that no one can be a judge in his own cause. In the second place, the Article does not make the advice of the Assembly obligatory, though it would be a considerable factor in ranging public opinion against a member State which ignored the advice. In the third place, on the very rare occasions on which a member State invoked the Article in support of the revision of a treaty, for one reason or another the Assembly was able to escape giving effect to the request.

The Article has in practice proved abortive. Many members of the League feared that if it developed into an effective piece of machinery it would lead to the surrender by them of some of the advantages which had accrued to them from the Peace Treaties of 1919-1920, and also they could not feel confident that the modification of the *status quo ante* to their disadvantage would lead to a permanent settlement and would not merely form the starting-point of further demands.

Nevertheless, however modest, however embryonic, this Article may be, it contains the germ of a truth of which we must not lose sight—namely, that it is futile to attempt to superannuate war unless we can substitute some peaceful machinery for achieving one of the common objects of war—changes in the *status quo ante*. Moreover that peaceful machinery, if it is to amount to more than revision by consent, must involve a willingness to accept the judgment of some kind of international tribunal or authority upon the equity of your claim instead of insisting on being judge in your own cause. One of the greatest disappointments of the

past twenty years has been the way in which States have resisted proposals for a gradual extension of the compulsory jurisdiction of the Permanent Court of International Justice, and the grudging qualifications which have been attached to their acceptance of these proposals when finally extracted from them.

As matters now stand, international law is an ally, a bulwark, of the *status quo ante*. That is one reason why, as Professor E. H. Carr has recently pointed out in his *Twenty Years Crisis*, it is so popular with the Powers that are satisfied with their present position and have no wish to see it changed. The indissolubility of a treaty except by consent is one of its most cherished principles, and it is easy to understand why that should be so, so long as the only alternative is the termination or modification of the conditions resulting from the treaty by the uncontrolled action of one party and without any submission to the judgment of a superior or of third parties.

INTERNATIONAL SUPERVISION OF TREATY-MAKING

Another point in which international society differs from the State is that national systems of law place some check upon the kind of agreements which they will permit the persons subject to them to enter into. The law of England contains many rules rendering illegal contracts which involve criminal offences or breaches of morality or conduct which is contrary to public policy. Treaties whereby the parties agree to co-operate in doing, or to support one another in doing, something which is plainly illegal or immoral, such as aggression upon a third country, and sometimes its partition between them, are usually secret. But there are many published treaties which are oppressive or unjust to one of the parties, or offend against the interests of the international community as

a whole. It may be a long time before all treaties must be brought to the bar of public opinion and approved before they are valid, but before the Family of Nations can become a true society some control must be placed upon the present licence of treaty-making. In view of the far-reaching danger to society which is implicit in a bad treaty, society must sooner or later acquire some kind of initial control upon treaty-making. A treaty is, or at any rate many treaties are, more than the concern only of the contracting parties.

Registration and Publication of Treaties

While States are still free to make what treaties may please them, whether they are oppressive to one party or contain a threat to a third party or are otherwise objectionable from the point of view of the world community, a certain check has now been placed upon one of the most dangerous aspects of treaty-making, namely, secrecy. The disclosure during and after the World War of a number of secret treaties made by Governments behind the backs of their peoples produced a feeling of resentment which found expression in Article 18 of the Covenant of the League, which is as follows:

'Every treaty or international engagement entered into hereafter by any member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding unless so registered.'

From a technical point of view this Article has met with great success. Up to a few months ago 4,600 treaties had been registered with and published by the League of Nations, including many voluntarily registered by States not members of the League, for instance, Germany before she became a member in 1926 and the United States of America, so that the world now has in

the *League of Nations Treaty Series* something approaching a statute-book. Few would assert that no member of the League has since 1920 entered into a secret treaty, but Article 18 has forced into the light of day many treaties which would otherwise have remained secret. Three further comments upon this Article must be made:

(a) Under it the functions of the Secretariat of the League are purely automatic: if a treaty (which term includes conventions, declarations, exchanges of notes, and every kind of international engagement) is sent to Geneva by a member of the League for registration with the Secretariat, registered it is. Registration confers no approval and at present no machinery exists for challenging before some impartial authority, such as the Council of the League or the Permanent Court of International Justice, the legality or morality of the treaty, or for raising the question whether it is contrary to the public interest, or even the question whether the document is a 'treaty or international engagement' within the meaning of Article 18.¹

(b) It is not clear whether the effect of the last sentence of Article 18 is to make the treaty entirely void, or only voidable at the instance of a party to it, or merely to prevent it from being cited before an international tribunal such as the Permanent Court. Perhaps it merely has the political effect of making it

¹ Nevertheless there are at least two occasions on which the publication of a treaty in the *League of Nations Treaty Series* is accompanied by a copy of a protest against the treaty or its registration: (i) the registration in 1926 of an exchange of notes between Great Britain and Italy regarding their respective spheres of influence in Ethiopia is accompanied by a protest by the Ethiopian Government against the conclusion of an agreement between these two Powers regarding interests in Abyssinia, and (ii) the United Kingdom Government protested in 1924 against the publication in the *League of Nations Treaty Series* of the 'Articles of Agreement' of 6 December 1921 between that Government and representatives of what became the Irish Free State.

easier for a democracy to repudiate a secret treaty entered into by its Government, as soon as its contents are disclosed.

(c) Article 18 is aimed at secret treaties, not the secret negotiation of treaties, and is intended to give effect to the desire for '*open*, just and honourable relations between nations' which is expressed in the Preamble of the Covenant. The public negotiation of treaties would be impossible for the Government of a democratic country having a free Press and a free Parliament, and it is unreasonable and undesirable that any kind of Government should be compelled to negotiate in public. Publicity is contrary to the very nature of negotiation or bargaining, and diplomacy must always remain primarily a confidential procedure, as is the handling of delicate affairs in private life. It will be mischievous if the public negotiation of treaties is allowed to become a democratic ideal or aspiration.

It may seem to the reader that too much space has been devoted to this procedural Article. So far its importance has been technical rather than political, but it contains within it the germ of the international supervision of treaties and must be borne in mind when the next opportunity of a step forward in world organization occurs. The lack of any machinery for the supervision of treaty-making and the paucity of rules upon the legality of treaties are a serious defect in our present system.

An Important Experiment

There are many other improvements in the law and practice of treaties which a progressive society will discover and foster. It would be out of place here to enumerate the many experiments that are being made and the obstacles that are being encountered. There is, however, one experiment which after a trial of

twenty years has, in my judgement and in my personal experience, justified itself and which I should like to see being extended to a wider sphere. That is the method of composing the national delegations sent to conferences organized by the International Labour Organization.

The delegation normally sent to an international conference is purely governmental, that is, consists of persons (whether exclusively officials or not) nominated by Governments and bound to vote according to the instructions of their Governments (with whom they are usually in daily communication). The national delegations sent to these Labour Conferences are, as to two of the members, Government nominees and, as to the other two, the nominees of representative organizations of employers and workmen respectively. This innovation, which was, I believe, one of the British contributions to the constitution of the International Labour Organization, has been a great success. The delegates of the employers and workmen are less likely to be influenced by purely national interests, than the governmental delegates, for they have interests which cut across national frontiers and enable them to establish close contact with the similar delegates of other countries. The whole atmosphere is different, and the clogging influence of the complex of ideas connected with national sovereignty which is so inimical to international co-operation is weakened and often absent. It must, however, be pointed out that the delegates (both national and vocational) to International Labour Conferences have no power to bind their countries and that the only obligation upon a State member of the International Labour Organization is to submit all Draft Conventions adopted by the Conference to the national authority, be it Parliament or some other body, which has power to adopt and give effect to it.

It would be ridiculous to contrast the respective progress of the International Labour Organization and of the League of Nations (in the stricter sense) during the past twenty years and to attribute the success of the former to the introduction of a non-governmental element into its conferences, but there can be no question that this innovation is responsible for the more co-operative atmosphere which pervades the International Labour Organization and without which little progress towards an international society is possible. It may be impossible to make use of non-governmental delegates for the purpose of negotiations upon political matters, but there is a wide field of international non-political affairs into which the practice of the International Labour Organization discussed above could with advantage be introduced. There is all the difference in the world between being pushed reluctantly by inevitable factors along the road of international co-operation and actively desiring it and seeking for it.

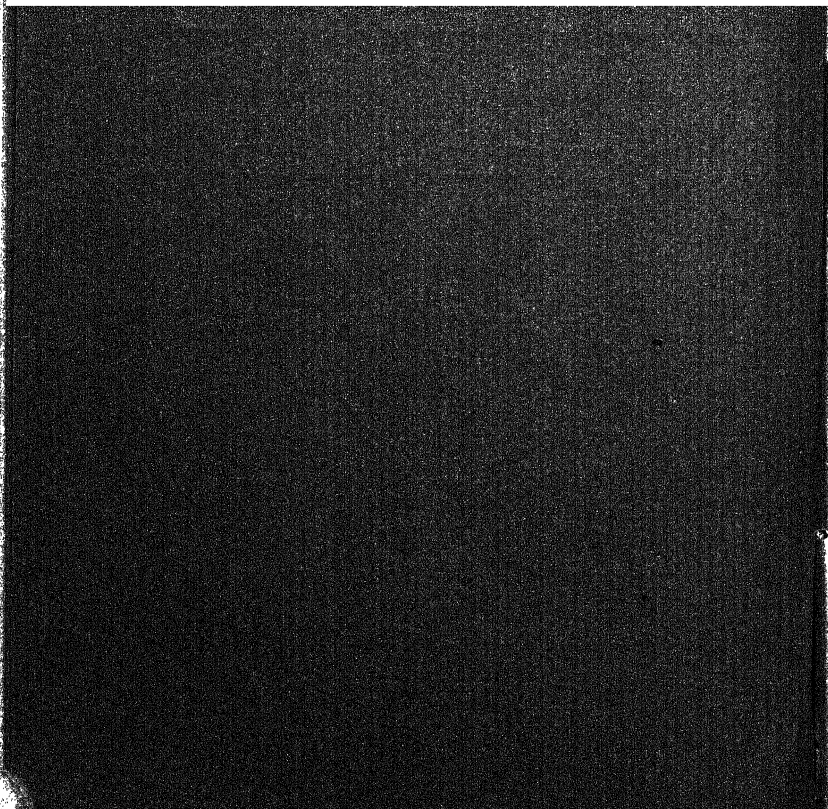
Conclusion

Our present international system first permits a treaty to be dictated by force—whether it be the threat of imminent war or the threat of the continuance of war temporarily suspended by an armistice. Secondly, it pronounces such a treaty to be legally binding in spite of the duress or coercion which procured its signature and ratification. Thirdly, it affords no means of revising the treaty except with the consent of both parties. This lack of machinery for the revision of a treaty, whether dictated or not, without the consent of all the parties is one of the capital defects of international society. (I say international society, not international law, for law is the instrument of society and can only operate when society permits it to do so

and creates the machinery for its operation.) Such an attitude towards treaty-making has at least two unfortunate consequences, both pregnant with future trouble. In the first place, if the terms of the treaty are unfair and oppressive, as is almost bound to be the case of a dictated treaty—for no one can be judge in his own cause—the party upon whom it has been imposed will not rest until he has thrown it off. In the second place, if the aims of that party should go beyond the terms of a fair settlement and become vindictive or aggressive, it will be difficult for the Government of the party who dictated the treaty to mobilize the public opinion of its own or other countries in order to check the growing menace until actual aggression takes place.

There are some who, while recognizing the imperfections of international society and the risks of explosion which result, hold the view that these risks can be minimized by patient and honourable diplomacy and by a gradual rise in the standards of international morality. There are others who put their trust in something more organic, who believe that law and order cannot be left to grow spontaneously but require organs for their development and enforcement. It was the second school of thought that was responsible for the Covenant of the League of Nations in 1919. It is unlikely in the extreme that international law will, if left to itself and unaccompanied by any kind of organization, ever develop satisfactory rules to ensure the just making and revision of treaties and to secure their observance. My hope is that at the end of the present war we shall begin where we left off in 1919, that we shall free a reformed Covenant of the League from connexion with any particular group of treaties, that we shall endow the Permanent Court of International Justice with obligatory jurisdiction over all

legal disputes amongst the States who belong to it, and that we shall create some really effective machinery for controlling the making of treaties and for revising treaties and other international conditions whose maintenance is inconsistent with an ordered society. If at the end of this war the 'organic' school of thought prevails over the 'pragmatic', and another attempt is made to convert a number of sovereign or independent States preserving a precarious peace by means of a balance of power or some other device into a real society, one of the first things that will have to be tackled is the removal from international law of its imperfections and immaturities in regard to treaties, some of which it has been the aim of this pamphlet to explain.



OXFORD PAMPHLETS ON WORLD AFFAIRS

No. 38

BRITAIN'S BLOCKADE

BY

R. W. B. CLARKE

OXFORD
AT THE CLARENDON PRESS

1940

K. MAHADEVAN BOOKSELLER, MYLAPORE.

THE Germans believe in *Blitzkrieg*; the deliberate and ominous marshalling of the thunderclouds, and then the sudden devastating storm. Lightning strategy, at the beginning of a war, belongs to the aggressor, for he has prepared his thunderbolts and knows the date of battle. Britain's thunderbolts strike later, but they will strike an enemy whose military power has already been weakened at the core by the blockade, the slow but deadly weapon which Britain has been using and perfecting since the first day of the war.

In this Pamphlet Mr. Clarke describes the objectives and methods of this blockade, and its relation to the strategy of air-bombing; the position of specific classes of raw materials (of which the crucial example is oil); the problem of the time-factor; and, finally, the question of food supplies, both in the enemy countries and in the occupied territories.

Mr. R. W. B. Clarke has made a special study of the economic problems of war, and is the author of *The Economic Effort of War* (Allen & Unwin, Jan. 1940). In 1938-9 he toured the U.S.A., in his capacity of assistant editor of the *Financial News*, to examine the industrial and economic situation there at first hand.

For further information on the technical facts of the conversion of foodstuffs into war material the reader is referred to Oxford Pamphlet No. 24, *Blockade and the Civilian Population*, by Sir William Beveridge, and for the history of the Blockade in the last war to Pamphlet No. 17, *The Blockade, 1914-1919*, by W. Arnold-Forster.

FIRST PUBLISHED 17 OCTOBER 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS Amen House, E.C.4
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD Publisher to the University

BRITAIN'S BLOCKADE

The Need for a Dynamic Strategy

THE broad strategic outline of the war, in the autumn of 1940, is clear. Britain, buttressed by the Dominions and increasingly by the United States, faces a Nazi-dominated Europe. On land, the supremacy of the German Army cannot be disputed; nor is there any question of the supremacy of British sea-power. In the air, the British forces have shown themselves technically superior to the German, but are still inferior in numbers. Britain's air strength and sea-power are enough to throw back the invader, but the whole forces of the British Empire are manifestly insufficient to embark upon large-scale offensives on the continent of Europe in the immediate future.

Such a situation clearly might lead to stalemate, which would be tantamount to Nazi victory. If Britain relied exclusively at this stage upon a long-term plan for building vast land armies and air armadas in order at some unspecified later date to make a grand offensive in Europe, then the ultimate outcome would almost certainly be stalemate. If the United States entered the war and embarked huge and fully equipped expeditionary forces for Europe, the strategy of direct frontal attack on the German armies might be successful. But so great would be the time required for the preparation of such an offensive, and so unfavourable is the manpower arithmetic to the British forces, that in practice the plan would be unworkable. Germany would be given time to consolidate her hold on Europe and to create a firm basis for the Nazi régime; as the forces of Britain grew, so would the forces

opposed to her; in all probability the grand offensive would never take place.

Static strategy of this kind, indeed, is the very reverse of what the situation requires. To think in such terms now would be to repeat the error of 1939-40. The military situation, and the political and social forces in Europe, will not wait for a gradual accumulation of British strength, and for slow advance with measured tread. Britain must make the speediest material preparation possible, and mobilize all economic resources for the greatest conceivable material effort, but at the same time the most enterprising and energetic measures must be taken to weaken Nazi resistance from within. At the circumference, so to speak, of Nazi military power, she must deliver shrewd counter-attacks and pushes. Sea-power provides mobility on a world-scale to enable her to strike land blows at various points on the circumference at which she is threatened and at others besides—in Africa, in the Middle East, at appropriate points in Europe. To such points she will be able to transport men and material speedily and silently, and she will be able there to make harassing thrusts. But this is not nearly sufficient. Means must be devised to strike at the heart of the enemy, and to weaken Nazi military power at the core. Only when the Nazi power has been decisively weakened at the centre will it be possible to embark upon frontal assault.

How can this weakening at the centre be achieved? One powerful means, of course, is the skilful use of the weapons of propaganda and diplomacy. But the greatest importance must be attached to the combination of bombing of industrial objectives with the blockade. British command of the seas means that Britain can now cut off the whole of enemy and enemy-occupied territory from supplies of all kinds

from the outside world; the vast sea-borne trade of the continent of Europe has dwindled to a trickle through the Arctic ports, to Spain and Portugal, and (through the Suez Canal) to South-Eastern Europe. There is still some land trade to and from Asia through the Soviet Union, but the quantities are not significant. For all practical purposes, the Nazi-controlled part of Europe can be and is cut off from supplies from the outside world. This blockade, reinforced by intelligent and drastic bombing policy, which strikes further hammer-blows at the weaknesses created by the blockade, is the means whereby Nazi military power can be weakened from within. Bombing and blockade are two aspects of the same thing—the economic attack at the very heart of Nazi power.

Objectives of Blockade

The general aim of the blockade-bombing combination is of course simple. In the plainest terms it is to interfere with German and Italian war supplies so effectively that the war machines will be positively weakened, and the foundations laid for successful military assault. This aim is achieved in two different ways. First is the direct attack upon supplies of oil and war materials in order to keep the aeroplanes on the ground and the mechanized armies pinned to the spot for lack of transport, and to stop the flow of war equipment from the factories. Second is the indirect attack which creates general interference with the industrial and transport systems. If two million soldiers have to be occupied in agricultural work, so many fewer are available for military operations. If the road transport system is dislocated for lack of petrol there is greater pressure upon the over-burdened railways, which a few well-directed bombing raids can greatly

intensify. The greater the Nazis' and Fascists' difficulties in supplying food, heat, and clothing for their civil populations, the more difficulties will they encounter in maintaining factory outputs, the more shells will be 'duds', and the worse will be the quality of workmanship. To reach its objectives, the Nazi war machine must run smoothly and uninterruptedly; disorganization and dislocation of all kinds make its work much more difficult.

The same considerations apply, of course, to the blockade of enemy-occupied territory. The Nazis aim at using these territories as bridge-heads for the attack on Britain, and they aim at exploiting their resources for the use of the German war machine. If the economic systems of these countries are disorganized, troops must be used for police work instead of for military preparation, and the work of military organization is hampered at every turn. To prevent these countries' industries from being used for the Germans' benefit is elementary military prudence, and Britain must obviously put every possible obstacle in the way of their strategic and economic exploitation.

Supplies to Occupied Territories

Supplies of all kinds to Germany and Italy and to the occupied territories are therefore stopped. It is obvious that if Britain allowed metals and textile materials to enter the occupied territories at Oslo or Antwerp, at Rotterdam or at Bordeaux, they would either be whisked direct to Germany or would be used on the spot to make goods which could then be sent to Germany. At best, they would release Germany from the need to use her own resources to supply such goods. If British coal were sent to France, for example, the French transport system would be able to work without supplies from

Germany, and so the pressure upon Germany's coal-mining resources would be eased. For food and fodder the position is precisely the same. Either the food would be sent to Germany or would be consumed by German armies of occupation, or Germany would be relieved from the painful duty of using her own stocks of food to relieve hardship in the occupied territories. In every case, the direct consequence of allowing supplies to enter the occupied territories would be to improve the situation inside Germany and correspondingly to strengthen public morale, armaments output, and long-term resistance-power. Britain manifestly cannot afford to do this. Everything must be excluded.

In this context, occupied and non-occupied France must be regarded as one. In no sense of the word can the Government of non-occupied France be regarded as independent; Marshal Pétain has admitted this in as many words, and in fact no other form of Government is possible. The Vichy Government exists only on German sufferance; indeed, the opinion may be hazarded that the division of France into 'occupied' and 'non-occupied' territory is nothing more than a device to relieve the Germans of the administrative difficulties created by the millions of refugees, and to leave open a possible loophole in the blockade through which goods could be transported to Germany. The Vichy Government and the press of non-occupied territories have been steadily complaining about the existence of a 'frontièr' between occupied and non-occupied France, and are making all possible arrangements for the revival of trade between the two areas. The further this develops, the clearer does the dependence of the Vichy Government upon the German military authorities become, and the more certain it is that any imports into non-occupied France

would be seized by the Germans if they wished.¹ The only difference between occupied and non-occupied France, indeed, is that in the one area the German military authorities govern directly, while in the other their orders are passed on to the public by Frenchmen. Clearly no economic distinction can be made between the two.

So the blockade works. On the one hand, it attempts to bring direct pressure upon the German and Italian war machines by interfering with the supplies of oil, transport, and war material—and this pressure is strongly reinforced by bombing. On the other it brings indirect pressure to bear by causing general economic dislocation and shortage over the whole area under German and Italian control. These pressures strike at the heart of the enemy war machine, and will ultimately weaken it decisively.

Technique of Blockade

The technical job of exerting the blockade is partly one of sea-power, and partly one of economics and diplomacy. First of all, the seaways to Europe must be continuously patrolled, and every ship on the high seas must be watched, in order to prevent blockade-running. Secondly, arrangements must be made to allow European neutrals to get supplies, without running the risk of having those supplies passed on to the enemy. The very existence of neutrals adjacent to enemy territory means that the blockade cannot be made absolutely water-tight, for even if it were permissible under international law, it would be manifestly undesirable to starve neutrals of all non-European produce. A balance has to be

¹ This is emphasized by the persistent reports that the Germans are demanding from Vichy a fixed proportion of the goods produced in and imported into non-occupied France.

found between such stringency as would drive them economically into the Nazi camp and such leniency that they would in fact be able to supply Germany indirectly.

In the first eight months of the war these technical difficulties prevented the blockade from being nearly as effective as it could have been. Germany's contact with the outside world was cushioned by small neutrals—the Scandinavian countries, Holland, Belgium, Switzerland, and the Danubian countries—and by a pre-belligerent, Italy. In particular, Italy was able to act as a funnel through which goods poured into Germany; the other neutrals, too, were unable wholly to control the activities of German trading agents on their territory. To have stopped this evasion of the blockade, and to have checked the through-traffic to Germany, would have required drastic limitation of the neutrals' foreign trade, amounting to real hardship.

The British Government, rightly or wrongly, was unwilling to do this. In the first week of war, Mr. Chamberlain announced that this would be a long war, and consequently it was considered desirable to protect the small neutrals' economic systems as far as possible from the hardships of war, and to allow them to build up war reserves of food and raw materials. Under the British War Trade Agreements with these neutrals, permission was given to import large quantities of goods for reserves, subject only to a guarantee that they would not be re-exported. It was decided that the greatest possible facilities should be given to the neutrals to conduct their foreign trade as uninterruptedly as possible, and such facilities were, in fact, given. For Italy the position was rather different; in her case the British Government appears to have been relatively lenient

because it feared that draconian measures would consolidate, rather than weaken, the link with Germany, and would force Italy into the war. Consequently, although the great bulk of Germany's imports from outside Europe was cut off, there was a steady flow of commodities through Italy, and there was a steady trickle through the adjacent neutral territories.

In the present situation these technical difficulties are to a large extent eased. The naval task of patrolling is greater, although the new American destroyers virtually replace the French ships. But the problems of administration are much less troublesome. There are relatively few adjacent neutrals to be taken into account—the chief are Spain and Portugal—and previous experience has greatly strengthened the British Government's determination to act drastically in order to prevent them from re-exporting to Germany and Italy.

To handle the problem a new technique has been developed. Instead of letting the trade come to Europe and then inspecting it and confiscating suspected contraband at Contraband Control ports—a very tedious and time-wasting process—there is now a system of remote control. A plan is in operation for issuing compulsory navicerts to all ships coming to Europe and North Africa. This means that every item in the cargo of every ship sailing to European or North African ports must be approved by British consular officers at the port of loading, and that the ship and cargo as a whole must get a covering navicert at the final port of departure. Thus no ship may sail in the direction of the blockaded area without the full fore-knowledge of the British authorities. All ships which are entitled to be sailing towards Europe are known and can be recognized, with no loss of time, and any ship which is sailing

without navicert can be stopped hundreds of miles away from its destination. This clearly makes blockade-running an extremely difficult matter, and it also facilitates legitimate trade with European neutrals, for the legitimate trader can load his cargo, get his navicert, and proceed to his destination without interference.

This control is reinforced by the facts about the shipping position. Britain and her Allies together control about one-half of the world's shipping; American shipping is excluded under the Neutrality Act; Japanese and Russian shipping is fully occupied in Japanese and Russian trade; German and Italian shipping is immobilized, either at home or in neutral ports. There is, in fact, very little shipping available for blockade-running, and a system of ship warrants devised by the Ministry of Shipping has reduced that margin even farther.

These far-reaching measures of world trade control and world shipping control therefore give Britain the power to operate the blockade effectively. The danger of blockade-running—for example, through what used to be Norwegian territorial waters—is cut down to a minimum, and the system of compulsory navicerts enables the British authorities to control very closely the quantities of non-European produce which the adjacent neutrals are allowed to take. Some supplies will always seep through any blockade, but with this new machinery it is possible to limit them to tiny proportions. We can work on the assumption, therefore, that the blockade is absolutely effective.

Raw Material Blockade

The blockade of Nazi-dominated Europe can be and is effective. What practical results can it be expected to achieve by itself and reinforced by

bombing? It is evidently extremely difficult to work out a sort of time-schedule which would enable us to forecast the time at which raw material shortages would bring the Nazi war machine to a halt. All sorts of unpredictable factors enter into such a calculation—the rate of consumption of materials (which itself depends upon the development of the war), the Nazi policy in occupied territory, the size of pre-war stocks, and the extent to which they have been exhausted in a year's warfare and supplemented by loot from conquered territory. This would be a terrifyingly difficult computation. But it is possible to point clearly and simply to the chief weaknesses, and to get some idea of the way in which those weaknesses fit into the pattern of the war.

Although the Nazis now have the whole resources of Continental Europe at their disposal, there are a number of serious raw material deficiencies which will become increasingly apparent as the war proceeds. Dr. Funk and Dr. Goebbels claim that the continent of Europe is a compact and independent economic unit, which under Nazi control can be self-sufficient, or at any rate sufficiently so to enable it to dictate trade terms to the outside world. The rest of the world, says Dr. Funk, is dependent upon Europe, not vice versa.

Europe's Relative Poverty in Natural Resources

These assertions, however, are nothing more than propaganda. It is an unfortunate fact, from Hitler's point of view, that Europe is relatively poorly endowed with natural resources. Its industrial capacity is admittedly huge, but it is based very largely upon imported fuel and raw materials. The industrial system and the transport network of Europe are founded upon imports of raw materials,

and their conversion into manufactured goods for home use and for export. A glance at the industrial map of Europe shows that. The statistics are conclusive. Excluding Britain, Eire, Turkey, and the Soviet Union, the continent of Europe has a net import surplus of \$2,500,000,000 a year in raw materials and semi-manufactures. This, together with a net import of food and fodder of \$550,000,000, is of course offset by exports of manufactured goods and services, interest payments, and capital exports. These global figures ruthlessly destroy the contention that the system is 'self-sufficient' or anything like it. The Continent could no doubt be self-sufficient at a much lower standard of life than that of pre-war, low though that previous standard was. But the real industrial assets of Europe, and everything that makes for a higher living standard, are based upon trade with the outside world. Without imported materials the millions of skilled workers and the great industrial enterprises might just as well not exist.

Oil

In specific terms of supply of individual raw materials, the dependence upon imports—and thus vulnerability to blockade—becomes even plainer. The most spectacular and significant deficiency, of course, is that of oil. In peace-time the oil consumption of Germany and Italy was some 10 to 11 million tons, and that of the occupied territories some 10 million tons. The consumption of other European territories, excluding Spain and Portugal, was between 4 and 5 million tons, giving a continental total of some 25 million tons. European production, on the other hand, is not much more than 11 million tons, of which $6\frac{1}{4}$ millions come from Roumania. These supplies may, to some

extent, be reinforced by imports from Russia, and they are cushioned to some extent by stocks. But it is certainly true to say that the current supplies available to Europe are less than one-half of peacetime consumption.

How can this be related to war-time conditions? It is abundantly clear, first of all, that tremendous economies can be made in civil consumption. The virtual abolition of the private car, together with the use of producer gas for public transport, can secure economies which, before the war, would hardly have seemed credible. It is perfectly conceivable that the Germans and Italians can reckon on reducing their civil consumption by two-thirds, and that they can impose upon occupied territories a reduction of three-quarters and upon neutrals reductions of one-half. On this showing, civil European demand is reduced to some 8 million tons a year. To this must be added the demands of the German and Italian war machines, which cannot be less than 5 million tons a year, and may well be more. The German Army must now operate, even in a relatively passive period, over a vast area, and as the area of occupation extends, so does the demand for petrol. Even with the most drastic limitation of civil consumption, there will be a marked deficiency of supplies. If the whole of Roumania's output can be made available, the deficiency may be manageable. But most of Roumania's oil is normally transported by sea, and such transport is now practically impossible, and rail and river transport is limited.

These figures are bound to be only approximate, but they show the general scale of the oil problem. They set in bas-relief the significance of the intensive bombing of oil dumps, oil refineries, and oil-from-coal plants. Without bombing, the operation of total blockade must give the German High Com-

mand increasing concern, as the stocks are gradually exhausted. With bombing, the critical point may be reached much earlier. This clears the way for amphibian thrusts by Britain at widely separated points on the circumference of Nazi military power; it opens a vista of classical British victories in which forces heavily armed and superior in number succumb to the lightning thrusts of a smaller but more mobile enemy.

Further point is added to the oil shortage by the rail transport bottleneck. The virtual elimination of road transport and the stoppage of sea-borne trade increase the pressure upon the German railway system, over-burdened even before the war, and regularly disorganized by bombing. The need to provide rail transport for deliveries of Roumanian oil is just one illustration of the way in which this pressure is intensified. Again, the increased use of coal means more coal transport and further railway problems. In the occupied territories, these problems are particularly grave; the road transport of France was highly developed, and her railways altogether inadequate to cope with a normal level of trade. Thus the movement of goods is slowed down, all sorts of bottlenecks are created, and the flow of war material and civilian goods all over Europe is impeded.

Coal and Coke

In actual supplies of coal and coke the Continent is normally nearly self-sufficient. German and Polish export surpluses are nearly enough to supply the deficiencies of Italy, Scandinavia, and France. But there is increasing demand for German and Polish coal within Germany. Coal is the basis of substitute production of all kinds, both directly as in oil-from-coal extraction, in the production of

Buna rubber, and in plastics, and indirectly in the production of electric power. Furthermore, the transport shortage greatly interferes with coal supply; last winter there was ample coal production in Germany, yet there were shortages in many parts of the country. Consequently, it seems very unlikely that there will be any coal available from Germany for the occupied territories, and indeed the Germans may attempt to get Dutch, Belgian, and French coal for their own uses. Thus, within Germany there is a coal problem which checks the development of substitute production, and in the occupied territories there is likely to be a continuous shortage of coal.

Metals

More far-reaching difficulties appear in the supply of metals. If the Germans could build a new transport system in Europe, and develop the full potentialities of all Europe's coal-fields, then there would be no coal problem. But in many metals Europe's resources are very weak. Unlike the War of 1914-18, this is not a steel war. In protracted trench warfare the supply of shell steel is the key military-economic factor. But this time it seems very unlikely that trench warfare will develop on anything like the scale of 1914-18. This is a war of movement, and its decisive weapons are the aeroplane and the armoured vehicle. The significant metals are aluminium and special steels, rather than basic steel, and the significant industrial processes are those of precision engineering and electric power rather than those of heavy engineering. Basic steel is still important. But particular attention must be paid to aluminium supplies, to copper (of paramount importance for electrical works), and to ferro-alloys, which impart the necessary heat-resist-

ing, penetrating, and resisting qualities to steel, not only for the weapons themselves but for the tools which make the weapons.

Europe's supplies of bauxite, the raw material for aluminium, are wholly adequate. Nevertheless, aluminium supply is limited by the capacity of the reduction plant, which is expensive to build and vulnerable to aerial attack. Of copper, the Continent must import some two-thirds of its supplies, even on the most favourable assumptions about the use of scrap. Consequently, in order to maintain electrical efficiency, and even more to expand electric-power output, aluminium must increasingly be substituted for copper. Thus the shortage of copper increases the pressure upon the aluminium reduction plants, and in the last resort forces a choice between aircraft production and electric power. There is some reason to believe that this point is approaching; there are indications of increasing desire to conserve aluminium supplies.

In the alloy metals—nickel, chrome, cobalt, tungsten, and molybdenum—the Continent is extremely weak. Supplies of manganese are adequate, but manganese cannot be substituted for the others in more than a few cases. The Germans will, therefore, experience increasing difficulty in maintaining their industrial, electrical, and transport efficiency, and in producing armour plate of high resistance power and armour-piercing bombs of great penetrating power. The shortage of alloy metals, taken in connexion with the shortage of copper, may be expected primarily to affect the quality of war equipment, the speed of production, the general efficiency of the industrial system. They are significant.

As for the other metals, supplies of iron ore are ample. At the beginning of the war the German

iron-ore position was very vulnerable to blockade, and if the Swedish supplies had been stopped might have been critical. But now there is no conceivable shortage either of iron ore or of steel-making capacity, and this is of course a great source of strength. The supplies of zinc, too, are adequate. But as regards lead, the Continent depends upon imports for some 55 per cent. of its peace-time consumption, and this deficiency is of some importance. So is the 90 per cent. deficiency in tin, which is urgently needed for canning. These shortages of lead and tin cause inconvenience, but not disaster. But inconveniences accumulate.

Textiles and Leather

Again, the Continent is notoriously deficient in natural textile materials. Even when the German and Italian synthetic production is taken into account, the net deficiency is still very great. For Germany, natural and synthetic production together are equivalent to no more than 40 per cent. of peace-time supplies; for Italy the figure is 75 per cent.; the occupied territories' textile and clothing industries are based to the extent of 80 per cent. upon imported raw material. In the whole area under German and Italian control, therefore, two-thirds of the peace-time consumption of textile fibres is imported. Germany will no doubt improve her position somewhat by removing stocks from the occupied territory, and by taking most of the current production of wool and flax. But to increase synthetic production to a level at which it would even approach the previous imported supply would require tremendous quantities of coal, electric power, and new factories. Inevitably the textile mills of France, Holland, and Belgium will be starved of raw material, and will have to go out of business

when stocks are exhausted. Thus the clothing situation will certainly become difficult throughout Europe. The private citizen's hidden reserve of clothes, in his wardrobe, cushions the deterioration in supply, but that reserve soon becomes exhausted. It is interesting to observe that in the second winter of war the Germans are being forced to devote increasing resources to the expansion of synthetic output in order to increase the clothing ration and prevent real hardship and cold.

In leather, likewise, there is some deficiency, although it is offset at the moment by the slaughter of live stock in occupied territory. But the great French leather and boot-and-shoe industries are based upon imported hides and skins, and tanning materials. Again, the Continent has no natural rubber supply, and Buna and reclaimed rubber together are equivalent to much less than one-half even of Germany's and Italy's needs, and is equivalent to only one-quarter of Continental peace-time consumption. Here, as in textiles and indeed throughout the consumers' goods industries, a further expansion of synthetic production is immensely costly in coal and electric power, and indirectly in non-ferrous metals and ferro-alloys. In iron ore and aluminium, as we have seen above, the Continent is strongly placed. But in most other industrial raw materials it is dependent upon supplies from outside.

The Material Time Factor

This provides a general picture of the way in which the blockade can be expected to affect Nazi-dominated Europe. The oil shortage stands out above the others. But the copper and ferro-alloy shortages are certainly significant, and the lack of materials for consumers' goods means that supply

of civil essentials will become increasingly difficult. On the whole, it seems that exploitation of the industries of the occupied territories will be quite impossible, and the behaviour of the Germans in those territories suggests that they realize it.

But how long will it be before these shortages affect Germany and Italy? More important still, when will their effects become apparent? This depends partly upon stocks, partly upon consumption. Germany and Italy now have the stocks of the occupied territories at their disposal, and also what remains of their own. The total stocks, in some cases, represent as much as a year's deficiency at peace-time rates of consumption. Moreover, concealed stocks are available and can be used as a last resort; in Poland the Nazis scrapped valuable textile machinery for the armament factories, and they could do the same to the industrial plants of Western Europe. Further supplies of scrap were acquired at Dunkirk, and to them must be added the whole equipment of the French Army. Considerations of this kind show that quick exhaustion of stocks cannot be expected.

Again, pre-war commentators failed to realize the extent to which consumption of materials could be reduced by energetic planning. They failed to see how far private petrol consumption could be cut down, and how far clothing rationing could save textile materials. Similarly, by rigid control of deficiency metals it is possible to eke out supplies for far longer than would statistically seem practicable. Just as British commentators failed to appreciate the power of a planned economy to produce war material, so did they fail to appreciate its power to cut down the consumption of raw materials.

On the other hand, there is a certain level below

which stocks cannot be allowed to fall without seriously impairing the efficiency of the system; if a year's stocks of a commodity exist, then the minimum practicable level of stocks may be reached at the end of nine months. This is because the stocks must be geographically distributed over the country, and it is administratively impossible to do that absolutely evenly and smoothly. Moreover, the shortages interlock to such an extent that one induces another. The process is very much that of a game of nine-pins. The shortage of copper leads to demand for aluminium, which checks the output of aircraft; the shortage of oil increases the pressure upon rail transport, which creates coal bottlenecks, which stops synthetic production. Again, the effect of the copper and ferro-alloy shortage, coupled with the shortage of lubricating oil, is to reduce industrial and electrical efficiency, and when this process begins it has cumulative results. Maintenance can be allowed to run down for a period, but after that time the deterioration suddenly becomes critical. In this sense the blockade makes the industrial system brittle; it may appear to be resisting pressure successfully, but then the breaking-point comes.

All things considered, it seems likely that by the end of 1941 the raw material blockade will be having serious effects upon the German and Italian productive systems. Before then the oil strain may be felt. But hardly less significant is the gradual undermining of the industrial, electrical, and transport systems which by then will be becoming critical. At the same time the difficulties of maintaining ordered economic life in the occupied territories will be increasingly significant. These territories are lacking in oil, metal, textile materials, and rubber, and they have deficiencies of coal; unless

Germany is willing to supply them, their economic life will literally come to a standstill. Such degeneration would assuredly rebound politically upon the Germans' own heads. Yet to supply them would weaken the Germans' own reserves.

The process of deterioration may be accelerated by bombing and by a continuous series of harassing attacks at points conveniently accessible to British sea-power. Oil and transport are obviously the chief objectives of bombing attack. Next in importance rank aircraft factories and the aluminium reduction plants. Then there is a series of objectives of less but very significant importance, such as munition factories, tank factories, ball-bearing plants, special steel plants, Buna rubber factories, electric power stations (especially hydro-electric power stations, the destruction of which would increase the pressure upon coal supplies and transport), and so on. In this way the combination of blockade and bombing creates the fundamental weakness at the centre, which provides the background for successful offensive operations.

Food Blockade

Food gets most publicity, but actually Europe's food deficiencies are much less spectacular than those of raw materials. The Continent can certainly feed itself, although on an unattractive and monotonous diet. According to the German statisticians, whose calculations are made in calories, the Continent is 91 per cent. self-sufficient; that is, 9 per cent. of Europe's food, or its equivalent in animal feeding-stuffs, is normally imported from outside Europe. Much of this import, of course, represents cereals. Normal imports include about 4 million tons of wheat and rye (compared with normal production of about 60 million tons), $5\frac{1}{2}$ million tons of oats,

barley, and maize (compared with normal production of about 55 million tons), and a million tons of rice. Europe is amply self-sufficient in potatoes, and 92 per cent. self-sufficient in sugar. In coffee, tea, and cocoa, of course, the Continent is wholly lacking. But the most important deficiency is that of fats. Of the normal consumption of vegetable and marine oils, about 70 per cent. is imported, and even when animal fats are taken into account the overall deficiency is something like 40 per cent. This is the central food weakness.

But broadly, the deficiencies are qualitative rather than quantitative. The foods which make a varied and satisfying diet are either imported or are based on imported raw material. But there is not much doubt that a tolerable diet could be maintained without a single ton of imported fats or fodder. Provided that Europe's rulers devote adequate resources to agriculture, and provided that Europeans are willing to adopt the drab dietary standards of the Nazis, Europe is potentially self-sufficient in food in any other but strikingly abnormal harvest years. In this, the Nazis' claims are justified.

The Long-term Position

As a long-term proposition, therefore, the blockade of Nazi-dominated Europe cannot create starvation, much less famine, unless there is catastrophic failure of harvest. Enough bread grains can certainly be produced, supplemented by potatoes, to provide enough calories for every European. In meat and fats, of course, a steady deterioration is to be expected. Much of Europe's live stock—especially pigs and poultry, but also cattle—has been destroyed in 1940, and the shortage of fodder will almost certainly necessitate further slaughtering.

To this extent, the supply of meat will be maintained, though in the long run declining. The supply of animal fats will become decisively worse, and will intensify the shortage of fats caused by the lack of oil-seeds and whale oil for margarine. In this qualitative sense, therefore, the food situation of the Continent will steadily deteriorate. But there is no reason to suppose that a condition of starvation will develop, or anything approaching it. If the Nazis devote insufficient labour and material resources to farming, of course, then the major bread grain harvests will suffer and the potato crops may fail. But that is in the Nazis' own control. Any acute long-term difficulties which may arise will be directly due to such conscious neglect of agriculture, or of course to deliberate theft of food from the occupied territories for building greater and greater war reserves. In the words of the *Völkischer Beobachter* of 23 August 1940, 'We Germans are just as much interested in the French harvest next year as the French themselves.' The Nazis, in fact, are the only people who have it in their power to create starvation in Europe; rations may become short, and menus tedious, but there should be enough calories, provided available supplies are distributed properly.

The Position in 1940-1

So much for the long view. The position in 1940-1 is rather different, for the 1940 harvest was poor, and social disorganization great. Some people, mostly philanthropic and well-meaning but some rather less reputable, have even mentioned the word 'famine', and have requested that Britain should raise the blockade. On the facts about European food production, and on the basis of what is known of the results of the harvest and the size of stocks,

this appears to be a great exaggeration. But it is clearly necessary for us to review the position, as it appears in October 1940, as rationally and objectively as possible.

The total Continental harvest of wheat and rye is estimated at some 15 per cent. below normal, so represents a short fall of slightly over 20 per cent. below peace-time consumption. How has this come to pass? The severe winter and late spring were contributory factors, but the fall is mainly due to the application on a European scale of 'Guns before Butter'. In Germany itself, labour has for years been steadily drawn away from the land to the armies and munitions factories; good farmland has been taken for aerodromes and barrack squares; agriculture has been denied essential materials; foodstuffs have been converted into war material, fats into explosives, and potatoes into power alcohol.¹ Since the beginning of the war this process has been intensified; even the supply of fertilizer has been restricted. In addition, Poland has been ravaged, and her farms denuded of men for work in Germany. Nazi policy has been self-contradictory. On the one hand, it has talked of '*Blut und Boden*' and agricultural self-sufficiency; on the other, it has established conditions in which agricultural success was impossible.

The Italian harvest has been rather worse than usual, and that of the Danubian granary definitely poor. South-Eastern Europe is normally a big cereal exporter, but the 1940 harvest is not even enough for these countries' own needs. Here again, the weather is partly responsible, but more important was the draft upon agricultural man-power and

¹ A full explanation of the technical facts of conversion of food into war material is given by Sir William Beveridge in the pamphlet *Blockade and the Civilian Population*, No. 24 in this series.

transport, necessitated by the continuous danger of Nazi attack.

The more specialized farming of Denmark has been irreparably damaged by the Nazi onslaught. The pig industry is virtually liquidated, and serious inroads have been made into the dairy herds. Yet until the moment of invasion Germany had received a steady flow of invaluable fats, untouched by the British blockade. Now the Danish farmers are re-organizing, switching from factory-like production of butter and bacon from imported feeding-stuffs to a balanced cereal and live-stock system, which will export relatively little. As for Norway, the fish catch is rapidly being canned and hauled away to Germany, and the population hopefully awaits the delivery of deficiency foodstuffs promised in exchange.

In Western Europe it is estimated that the successive waves of *Blitzkrieg* have reduced the harvest from the normal, say, 85 per cent. of bread grain consumption to possibly 70 per cent., and perhaps worse. There, too, has been the same story of slaughtered live stock and commandeered reserves. This is where there is greatest likelihood of shortage, except for such pockets as Northern Norway. Yet in the earlier months of the war Britain allowed Holland to accumulate very substantial food stocks, and the war grain reserve has always been an essential part of France's war plans.

The position appears to be, therefore, that in Germany and Italy the current harvests are certainly enough to cover the winter, together with the stocks in hand. The official German news-agency has actually claimed that the agricultural problem of 1940 is to safeguard the supply for the winter of 1941-2. Furthermore, the 'purchases' and loot from the conquered countries have augmented re-

serves of butter and meat, of sugar and grain. At head-quarters, so to speak, there is no reason to expect drastic shortage in the winter of 1940-1, although the supply of meat and fats will probably deteriorate.

The Question of Relief for Occupied Territories

But the position in conquered territory is uncertain so far. It is clear that the 1940 harvest will be adequate only for a few months, but the fate of the stocks is unknown. A decree in France stating that until the 1939 grain reserve has been used that of 1940 must not be touched, suggests that considerable reserves exist. The Germans and their puppets claim that supplies are in fact adequate, but they presumably have propagandist reasons for saying so. On the whole, on the basis of such information as is available in October 1940, it seems extremely unlikely that there will be anything approaching widespread starvation in Western Europe. But sporadic and local shortages, created by social disorganization and difficulties of transport and raw material rather than by global shortage of food, are likely, and indeed do apparently exist. Furthermore, a big adjustment is taking place from the varied and attractive diet of free Europe to the dismal standards of the Nazis. The market-place has become the Adolf Hitler Platz.

Such local shortages, of course, could be dealt with perfectly easily by the Germans. Their own stocks of grain are ample to cope with the deficiency—the 1940 Continental harvest, plus the total Continental stocks, are certainly enough to feed everybody in Europe until the 1941 harvest is gathered in. Moreover, the newly acquired German reserves could be returned to their proper owners. Substantial quantities of fats could be released by

stopping their conversion into war equipment. The Germans could assuredly provide the necessary transport and organization to supply the pockets of hunger and to relieve local shortages. Above all, the Germans could withdraw their armies of occupation and allow independent Governments to be re-established, thus leaving some hundreds of thousands fewer mouths to be fed, and clearing the way for the British and American supplies which are being accumulated ready for immediate shipment. The existence of the Nazis in these areas, indeed, is the only reason why there should be any shortage at all. The Nazis have created this position, and it is well within their powers to right it.

On the other hand, it is manifestly difficult for British and American people to provide relief for the sort of hunger which is likely to occur. The problem is much more one of distribution of existing European supplies of food than one of actual scarcity of food itself. The only solution of it is real economic reconstruction, and this can be achieved only by the withdrawal of German military control and the supersession of German administration by genuinely neutral or Allied administration. Even if it were possible for relief to be administered in such a way that the Germans gained nothing positive from it, the fact would still remain that the German strategic and industrial exploitation of conquered Europe would thereby be eased, and that the food reserves of Germany, already swollen by loot from the conquered peoples, would be reinforced, for the pressure to draw on them to cope with starvation in Europe would be removed.

In the last war, American attempts to relieve hunger were continuously impeded.¹ Relief of

¹ The best description is Dr. Vernon Kellogg's, in his book *Herbert Hoover*. Significant, too, is a letter to the *New York Times*

Polish distress proved impossible, for the Germans, while asking the Relief Commission to feed the urban areas, insisted on taking the food surplus of the agricultural districts; the Dutch were forcibly prevented from relieving Belgium, for the Germans hoped ultimately to get the Dutch food for themselves; Belgian relief ships were torpedoed; in 1917-18 food was ruthlessly seized from Belgium and Northern France in defiance of firm undertakings given; billeted armies of occupation enjoyed relief food. Such was the record then, when the German authorities were relatively honourable. But now any attempts at relief would have to be administered in co-operation with men whose complete freedom from humanitarian and legalistic scruples has been demonstrated repeatedly. Such an attempt to relieve hardship would simply be regarded by the Nazis as a golden opportunity to evade their responsibilities, to make propaganda against Britain, and to get some free food, not only for the armies of occupation but also for delivery to the German people.

In these circumstances, for Britain to raise the blockade, even for the most humanitarian purposes, would be to treat the war with levity. But at the same time, it is perhaps worth while to outline the circumstances and conditions in which it would be justifiable to raise the blockade. The central circumstances would be, of course, the existence of undeniable evidence of real shortage of food in conquered territory. There appear to be four fundamental conditions which would have to be satisfied. Firstly, all German troops would have to be withdrawn from 'starvation areas'; if Paris were

on 24 August 1940, by Mr. Topping, who was private secretary to the American Minister to Belgium. Professor James Garner's comments in *International Law and the World War* are also of interest.

starving, Paris would have to be declared an open town. Secondly, the Germans would have to undertake to make transport available throughout the conquered territory. Thirdly, there would have to be neutral and well-authenticated evidence that the one-way traffic of food into Germany from conquered territory had been reversed, and that the Germans were making some contribution from their own stocks. Fourthly—and very important—neutrals would have to be given free access to the press and radio to explain precisely what was being done and how the British were deliberately raising the blockade because they did not want to see people starve. These seem to be something like the minimum conditions which the British people can reasonably be asked to accept. If the Germans granted them, then the United States and the British Empire could surely collaborate to alleviate privation. If the Germans declined them, then Nazi responsibility would be even more firmly demonstrated than before. At the moment, there is not the slightest sign that such conditions would be even remotely acceptable to the Nazis. But at the moment, in any case, the central circumstance of widespread privation does not exist.

Blockade in Perspective

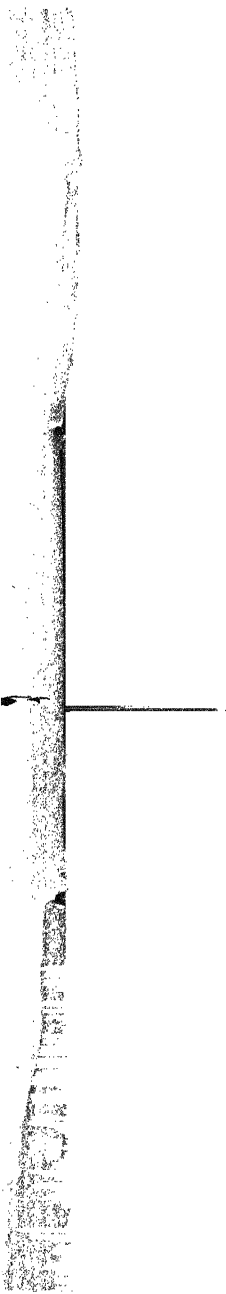
So the prospects of Britain's blockade sort themselves into perspective. The extreme importance of the conquered territories becomes increasingly apparent. On the raw material side, they are almost entirely lacking in the commodities in which Germany and Italy are deficient, especially in oil, metals (other than aluminium and iron ore), textile materials, and rubber. As regards food, they are more deficient than Germany and Italy. The blockade, therefore, presents Germany with a

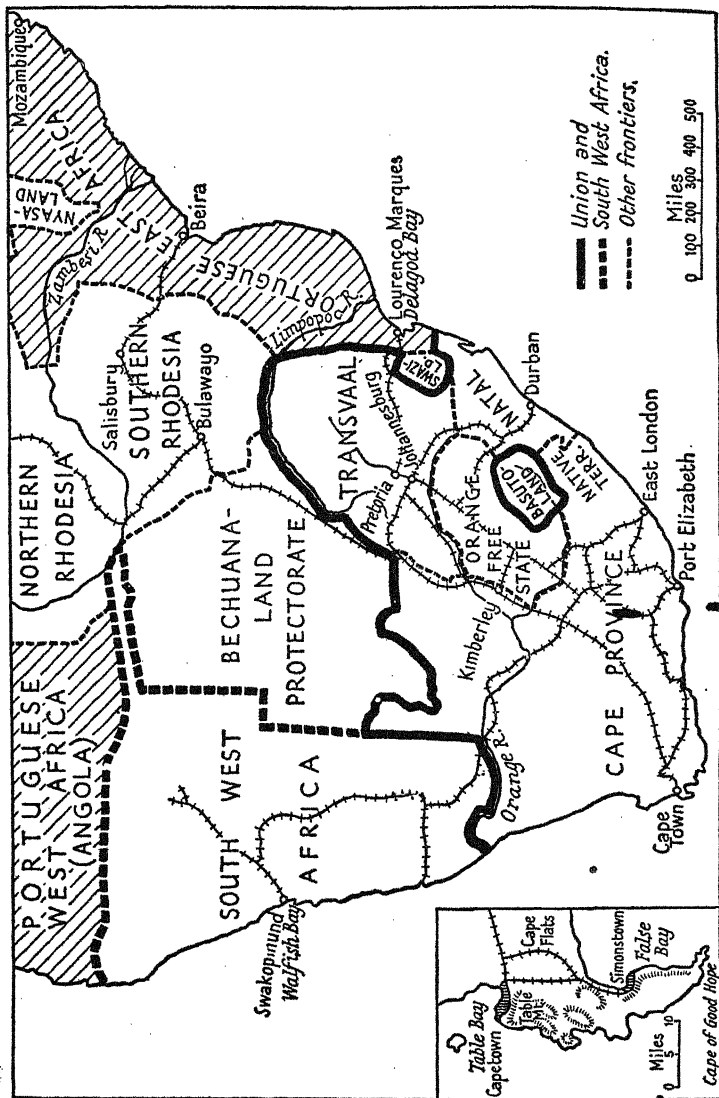
continuous dilemma. The Nazis are forced by the blockade into a choice between destroying the economic life of these countries, and maintaining it at the expense of their own supply of increasingly scarce materials. If they choose the second course, they bring nearer the point at which their own shortages of raw materials interfere seriously with their war potential. If they choose the former course, the whole propaganda of the New Economic Order, which is the means whereby they hope to weld the Continent together against Britain and America, falls to the ground, and with it the hope of extracting industrial and agricultural advantages from the resources of the conquered territories. At present it seems most likely that they will do this. But the price of this is the creation of such dynamic political and social forces in Western Europe as even the Gestapo and the German Army may not be able to control.

Within Germany and Italy it seems certain that the oil position will become more or less critical within the next year, and whatever policy is adopted for the supply of conquered territories, the shortages of copper, alloy metals, textile materials, and rubber will have important effects upon general industrial, electrical, and transport efficiency, and upon the ability to supply consumers' goods within the next eighteen months. The more the blockade is supplemented by bombing, of course, the more rapidly will those difficulties become apparent. The food position, at any rate in cereals, is likely to be fairly maintained for some time to come. But increased pressure upon the supply of fats, and to a less extent of meat, and the continued exclusion of the minor stimulants, tea and coffee, will tend to accentuate the drabness of the diet and make it increasingly unsuitable for an overworked people

whose nerves are strained by continuous air attack.

The blockade is slow in its operation, although its working can be speeded up by bombing. But it does seem that from the summer of 1941 onwards open weaknesses may begin to develop, and that by 1942 the position of the Axis Powers may have been weakened to a sufficient extent to enable the British forces, reinforced at an ever-increasing rate by supplies from the United States and the Dominions, to take the offensive on a decisive scale. A great effort will then be needed by Germany to retain the gains which the armoured divisions have won; it is the function of the blockade to ensure that such effort will not be forthcoming.





SOUTHERN AFRICA—POLITICAL

OXFORD PAMPHLETS ON WORLD AFFAIRS
No. 39

SOUTH AFRICA

BY
E. A. WALKER

OXFORD
AT THE CLARENDON PRESS
1940

K. MARSDEN & CO. LTD., 1, COLLEGE ST., OXFORD.

IN this Pamphlet the Vere Harmsworth Professor of Imperial and Naval History at Cambridge describes the place of the Dominion of South Africa in the world to-day. A brief sketch of the history of South Africa, as a necessary background to an understanding of the problems of to-day, is followed by a description of the country and of the different elements, white and coloured, which make up its population. Professor Walker describes the circumstances leading up to South Africa's declaration of war in September 1939, the political situation at the present time, and the part played by the Dominions in the war.

The author was Professor of History at Cape Town University from 1911-36, and has written many standard works on South African history.

First Published, 5 December 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

SOUTH AFRICA

South Africa's Place in the World

THE political map of Africa shows a broad red belt of territory nearly four thousand miles long running from the southern tip of the continent to the Egyptian frontier. This belt is cut across by the rivers Zambezi and Kunene about one-third of the way up. Below this line lies Southern Africa, 1,350,000 square miles of it. More than 470,000 square miles of this solid block of land are covered by the four provinces of the Union of South Africa: the Cape, Natal, Orange Free State, and Transvaal, an area fully four times that of the British Isles. Pretoria, the administrative capital of the Union, is about a thousand miles distant from the legislative capital of Capetown, as far as London is from Naples or Warsaw, say five hours by aeroplane, thirty hours by train on the standard African 3 foot 6 inch gauge, or eight weeks by the plodding ox-wagon

The Union of South Africa is a sovereign State freely associated with the other members of the British Commonwealth, and the most independent-minded of all the Dominions (except, of course, Eire,) which is not surprising, seeing that the majority of its dominant European inhabitants are not British but Afrikanders. It is one of Great Britain's best customers and a valuable source of world supply, furnishing wool, sugar, hides and skins, maize, fruits, wine and tobacco, base metals in great variety, and above all gold. The mines of the Witwatersrand centring upon Johannesburg in the southern Transvaal give the world nearly half its new gold each year.

SOUTH AFRICA

Strategically the Union is of great importance. The Portuguese settled on the east coast of Africa early in the sixteenth century, but the European occupation of Africa south of the Zambezi has taken place from the south. It began in 1652, when the Dutch East India Company founded Capetown on the shores of Table Bay at the northern end of the Cape Peninsula as their half-way house to India. To the Dutch, and to the British after them for a long time, the Peninsula with its commercial harbour of Capetown and the naval base at Simons-town was the most westerly outpost of an East Indian empire. The opening of the Suez Canal in 1869 robbed it of something of its strategic value, but shipping streamed round by the Cape during the War of 1914-18, and now that the hostility of Italy and the defection of the Vichy Government have rendered the Mediterranean route unsafe for merchantmen, the Peninsula has recovered all its pre-Suez significance. The other ports of the Union form valuable secondary links in the world chain of communications, notably Durban in Natal, a coaling centre and the terminus for many lines of shipping that ply in the Indian Ocean.

South Africa's Place in Africa

The Union is the one large-scale and successful European settlement in all Africa with the possible exception of Algeria. It is among the oldest; it is the most firmly rooted and complex, and has the highest proportion of European inhabitants. There are some 2,000,000 white folk as against nearly 8,000,000 others, whereas in the rest of the East and Central African territories within the Empire, right up to the borders of Abyssinia, there are

SOUTH AFRICA

perhaps 110,000 Europeans as against more than 17,000,000 others, and of these many are officials, missionaries, managers and other non-permanent residents. Some 60,000 of them live in Southern Rhodesia just beyond the Union's northern frontier.

Further, the Union is the strongest State in its own right in Africa south of the Nile cataracts and has close connexions with the British territories to the north, all of which, as far away as Kenya, include some South Africans, British and Afrikaner. Conscious of its growing influence, the South African Government has recently organized African conferences on health, posts, transport, and so on, which have been attended by official representatives from as far afield as the Belgian Congo, British Uganda, and French Madagascar. General Smuts, the Union's Prime Minister, is anxious to carry this Pan-African policy still further. He and other South African spokesmen have long held that in these days of aeroplanes the Union's northern frontier is not the Limpopo river but the Congo or the Equator. The Italian invasion of Abyssinia in 1935 confirmed them in that opinion. To-day South African troops stand ready to help in the defence of Portuguese Delagoa Bay, the finest harbour on the south-east coast and the natural outlet for the Witwatersrand traffic, while all the world knows that the South African and Southern Rhodesian Air Forces were in action on the Kenya border within a few hours of Italy's entry into the war and are now supported by large and growing land forces. It is because South Africans, and Southern Rhodesians also, have much to do for the common cause in their own continent that so few of them have come to Great Britain or

SOUTH AFRICA

taken part in the Canadian scheme of imperial air-training.

History and Politics

But though the Union's war effort is already considerable, South Africans are divided on the war issue, the outstanding political issue for a community whose politics turn mainly upon rival versions of the history of the country. It is necessary, therefore, to give that history, if only in barest outline.

The Dutch East India Company ruled the Cape Colony for nearly a century and a half, from 1652 till 1795, the longest period of rule by a chartered company in a continent which has known a good deal of such rule. Within fifty years of the first settlement the lines of future social and economic development were already clear. There was Capetown looking to government employment and the passing ships for a living, the one part of the country which was in even moderately close touch with the outer world; for sixty miles or so around lay corn and wine farms, self-contained and looking to Capetown as their market; behind the mountains were the sheep and cattle farmers. The relations of the Europeans with the rest had also become plain enough. The Bushmen hunters of the Stone Age were being chased out by the newcomers and the Hottentots; the Hottentot pastoralists, having lost their grazing lands and most of their cattle by barter or otherwise, were either withdrawing out of reach northwards or becoming hangers-on of white society, while, almost from the first, the Company had imported slaves from Bantu (Native) East Africa and Madagascar, the East Indies, and the Malay Peninsula. There are still some 25,000 Moslems, mostly

SOUTH AFRICA

in the Cape Peninsula, who often have a recognizable strain of Malay blood. Hottentots, Bushmen, and slaves had intermingled their blood, which was in some cases further crossed by that of Europeans, and so the distinctive Cape Coloured folk had emerged. And already European 'colour prejudice' was hardening.

During this first half-century the Company had drawn its settlers from many parts of Europe, but mostly from the Netherlands (including the majority of the women), western Germany, and Huguenot France. At the end of it children of this mixed body of settlers were calling themselves Afrikanders to distinguish themselves from overseas men, and to South Africans a European Dutchman is still a 'Hollander'. These formative processes worked on during the eighteenth century. Immigration was very slight, the European strains fused; the French tongue died out, and the Afrikanders developed Afrikaans as a spoken language of their own. They also acquired clear-cut ideas upon the proper relations of Church and State, rulers and ruled, burghers and uitlanders, bond and free, white and non-white, which persist in full vigour to-day. It was now that the Trek Boers emerged, ready to live in their wagons and find a living by their guns, the ancestors of those men and women who, side by side with other less loosely rooted pastoralists, went out from the frontier districts of the Cape Colony on the Great Trek a hundred years ago.

During the two generations which preceded this Great Trek three things had happened in South Africa. Firstly, the thinly peopled Cape Colony was caught up in the stream of world affairs, thanks to the growing interest of France and Great Britain

SOUTH AFRICA

in India and the Pacific. It changed hands more than once, till the British took it for the second time in 1806, to keep Napoleon out, and this time kept it. Secondly, whether the Government was British or Dutch, it tried to rule more resolutely and did so under the influence of Liberalism or the Evangelicalism of the time. Thirdly, from about 1775 onwards, the expansive Europeans moving eastward made full contact with the Bantu tribes which were advancing westward. So began a century of Kaffir wars on the colony's eastern frontier, and so began South Africa's modern Native problem.

The Great Trek

Held to the east, the European pastoralists swerved north-east towards the Orange river along the line that is followed by the main Union railways to-day. One of the two most widespread causes of the Great Trek was that they felt themselves crowded by the Bantu in front, by other farmers coming up from behind, and by the settlement in 1820 of a considerable body of British settlers at the southern end of the frontier, between Port Elizabeth and Grahamstown. These 1820 Settlers, be it said, have given this 'Eastern Province' a British character which endures to this day, and helps to explain its long-continued rivalry with the older and predominantly Afrikaner Western Province around Capetown. The second general cause of the Trek was the determination of the Trekkers to uphold the colour bar. The recently arrived Protestant missionaries of many nationalities taught most unwelcome doctrines of equality for all men. What was more, the British Government had set a premium on Hottentot (coloured) labour by abolishing the slave-trade

SOUTH AFRICA

in 1807, and then, between 1826 and 1834, had abolished the Hottentot pass laws, begun to emancipate the slaves, put all 'free persons of colour' upon a legal equality with white men (even to the extent of being able to hold land), and refused to pursue a policy towards the Kaffir tribes of which frontiersmen could approve. The Trekkers therefore set out towards the High Veld and Natal to found a republic in which they could live as they had been accustomed to live. To cut a long story short, by 1856 the British Government had recognized the independence of the Orange Free State and the Transvaal (South African Republic) beyond the Orange River, had annexed Boer Natal partly from fear of the French, and had set up a Parliament, though without full self-governing powers, in the parent Cape Colony, based upon a franchise which ignored the colour bar. Meanwhile, republics and colonies had essayed for the first time the difficult task of ruling the Bantu within their borders.

Attempts at Federation

Henceforward the political history of South Africa becomes that of a State system. It turns mainly upon attempts to federate the republics and colonies, and the determination of the Afrikanders to maintain their Afrikanderism and, in many cases, their republicanism also. The veto of the Colonial Office defeated the efforts of the Cape Governor, Sir George Grey, to federate the British colonies and the Free State in 1859. A second attempt, this time by the Gladstone Ministry, also failed. The republics were alienated by H.M. Government's reluctant annexation, at the request of the ruling chief, of all that remained of Basutoland in order to end a

SOUTH AFRICA

Free State-Basuto war which threatened to spread far afield (1868), and by its equally reluctant annexation, under pressure of Cape colonists and its own local officials, of Griqualand West where the Kimberley diamond fields were being opened up (1871). The Cape Colony was given self-government as part of this scheme, but it declined to give a lead in the direction of federation (1872). Its second refusal to give a lead went far to thwart the more sustained effort that was made by the Disraeli Ministry between 1875 and 1880. This federation campaign led to the annexation of the Transval in 1877. It foundered amid the confusion of Kaffir, Zulu, and Basuto wars, the growing hostility of many Cape Afrikaners who had formed the Afrikaner Bond to defend their way of life, and the successful revolt of the Transvaalers.

The British Government now tried to abstain from intervention in the interior of South Africa. It failed, for the Germans appeared in South-West Africa in 1884, and, to prevent their joining hands with the expansive Transvaalers across the road to Central Africa, H.M. Government annexed the southern part of Bechuanaland and extended a protectorate over the remainder. The various governments, British, German, Colonial, and Republican, then made haste to bring all neighbouring Native territories under their control, and, in the early nineties, Cecil Rhodes's chartered British South Africa Company occupied Southern Rhodesia up to the Zambezi river.

Gold

Meanwhile, the opening up in 1886 of the gold-bearing reefs of the Witwatersrand in the Transvaal

SOUTH AFRICA

had revolutionized the situation. This development stimulated the construction of rival state railways from the colonial ports which the opening of the diamond fields had already begun, and added thereto a railway from Portuguese Delagoa Bay, owned mainly by Hollanders and Germans. Amid this growing clash of interests, the economic hegemony passed away from the Cape Colony to President Kruger's Transvaal, and the political hegemony showed signs of following it. To avert these things, Rhodes, in alliance with Jan Hofmeyr, the Cape Afrikaner leader, tried to achieve an economic federation of the whole country south of the Zambezi. Rhodes's attempt to force the pace, which culminated in the Jameson Raid at the New Year of 1896, ruined him and his plans, led to his break with Hofmeyr and the revival of ardent Afrikaner feeling, and gave the Transvaalers a good excuse for arming heavily. Growing German interest in Delagoa Bay and the Transvaal added to the anxieties of the British Government. This last complication was resolved in great measure; but, in an atmosphere of suspicion, which was rendered more dangerous by the struggle for a redistribution of voting power between the more or less British townsmen and the rural Afrikaners of the Cape Colony, Joseph Chamberlain, the then Colonial Secretary, and Sir Alfred (Lord) Milner, the High Commissioner at Capetown, tried to reassert the waning British paramountcy in Southern Africa by obliging the Transvaal to put its franchise within reach of the predominantly British Uitlanders of the Witwatersrand. At the close of the long and costly South African war which ensued, the two Republics were annexed (1899-1902).

Union

Milner's attempt to carry federation from above under British and official auspices failed; but he did a vast deal to develop the gold-mines of the Rand and the agriculture, education, and social services of South Africa. In 1910, soon after Campbell-Bannerman's Liberal Ministry had given the ex-Republics self-government, they and the two coastal colonies joined in a fairly close legislative union under stress of growing railway and customs difficulties and, less immediately, the realization that the Native problem must be handled on a South African scale. The first Prime Minister of the new Union of South Africa was Louis Botha, and his right-hand man was J. C. Smuts, both of them Transvaal generals.

During the short interval before the outbreak of the Great War of 1914, General Hertzog of the Free State left the Union ministry and formed a Nationalist Party. The growth of this party was stimulated by the rebellion which broke out in the ex-Republics early in the war, and before long some of the Nationalists were demanding a republic. Meanwhile Union forces had conquered South-West Africa, which was presently entrusted to the Union as a mandate. Soon after Botha's death, which followed hard upon the conclusion of peace, his successor, Smuts, formed a mixed British and Afrikaner ministry. Smuts was presently obliged to suppress a revolutionary strike on the Rand which had aimed primarily at maintaining the colour bar in the mines. Labour, that is privileged European Labour whose centre is at Johannesburg, thereupon made a pact with Hertzog's Nationalists to bring

SOUTH AFRICA

down the Smuts government. They succeeded in 1924, and during the next nine years the Union was ruled by a farmer-labour ministry whose chief aims were to safeguard 'white South Africa' and enhance the Union's international status. Early in 1933, in face of internal strains and growing external dangers, Smuts agreed to serve under Hertzog. Two groups stood aside from the United Party which resulted from this alliance: a small British Dominion Party, and a much larger 'purified' Nationalist Party under the Cape leader, Dr. D. F. Malan. Hertzog and Smuts together carried a Status Act which secured for the Union the sovereign powers that had been offered to all the Dominions by the Imperial Statute of Westminster in 1931, and also important Native legislation. On the outbreak of the Nazi War in September 1939, the United Party ministry split. Hertzog and some of his colleagues resigned, and Smuts included in a new British and Afrikaner cabinet representatives of the Dominion and Labour Parties.

Land and People

The South African stage on which this history has been enacted is a huge unbroken land mass with few harbours and a rocky coast. Its rivers are practically useless as a means of communication since some are blocked by rapids, some by sand-bars at the mouth, and some by both, and baffling to the would-be irrigator with their deep beds or their unhappy tendency to flood in the wet season and dwindle away in the dry. All round the land rises from the coast in three terraces to the curving escarpment of the Drakensberg mountains and their extensions to the High Veld of the interior, a plateau

SOUTH AFRICA

at least 4,000 feet above sea-level. The treeless, grassy plains of the High Veld cover the north-eastern Cape Province, Basutoland, most of the Orange Free State, and the southern Transvaal. North of Pretoria the land falls away to the Bush Veld and the hot valley of the Limpopo, the northern limit of Union territory; westward it shelves down through the grass and stunted trees of Bechuana-land, a country ill supplied with surface water, into the hollow which hides the Kalahari Desert; then it rises again to the uplands of South-West Africa, and so down to sea-level on the barren Atlantic shore.

Apart from its minerals Africa is not a rich continent, and South Africa is no exception. Most of the country gets its rains on the south-east winds during the southern summer from October to March, violent rains which give a plentiful though spasmodic supply to the south-eastern areas, but less and less as they travel inland, and next to nothing to the west coast. The south-west corner around Capetown, on the other hand, gets steady rains on the winter north-westerns and enjoys a delightful 'Mediterranean' climate and country-side. Though the Union contains many good tracts of agricultural land, it is, taken as a whole, a pastoral country with wide stretches of poor and inadequately watered soil. As such it can never hope to carry a really dense population. The only large aggregates of population are at Kimberley, which is declining with the falling away of the demand for diamonds, in the towns along the gold-bearing Witwatersrand, at the ports which have grown in sympathy with the mining centres, and in the more fertile of the Native reserves.

This thinly peopled Union is notably dependent on the Rand gold-mines, which are admirably organ-

SOUTH AFRICA

ized and worked under a gold law that secures for the State a liberal share of the profits. It is thanks to its mines that the Transvaal dominates the Union, and that South Africa is a relatively prosperous country with a high standard of living for Europeans. From one point of view the Union is 'White man's country', for nearly the whole of it lies in the south temperate zone, while height above sea-level usually compensates for the higher temperatures of the northern parts. Europeans can bring up their children healthily almost everywhere. The white rate of natural increase is among the highest in the world, and South Africans, including, significantly enough, those of the more recently arrived Jewish stock, tend to be tall and big-boned. On the other hand, the Union can never be 'White man's country' in the fullest sense of the term, since it is part of Africa. The total population of the Union is rather less than 10,000,000, but of these only 2,000,000 or so are Europeans. The rest consist of mixed-breed Cape Coloured folk, Indians whose presence links the fortunes of South Africa with those of the East and Central African territories, and Natives, two-thirds of the Union's total population, who are kinsmen of the Bantu tribes that are scattered over Africa as far north as a line drawn straight across the continent from the Gulf of Guinea to the Indian Ocean.

The Union and its Neighbours

The Union is thus not only drawn to the north by its relations with the white men there but with the black and brown also. Its relations are, however, necessarily most close with the territories to the south of the Zambezi and Kunene rivers. Let us, therefore, consider these.

SOUTH AFRICA

To the east of the Union lies part of the Portuguese province of Mozambique which is ruled by a Governor-General subject to a very general control from Lisbon. The Portuguese are separated from the interior by fever-stricken flats and high mountain walls; hence their ancient settlements neither flourished nor had much influence inland till the development of the Transvaal gold-mines made it worth while to build the railways that could climb the mountains and brave the tsetse fly. The Portuguese have two great assets. First, Delagoa Bay and the less commodious harbour of Beira are the natural outlets respectively for the Transvaal and Southern Rhodesia. Secondly, for many years past, though to a less extent now than formerly, the Rand gold-mines have recruited much of their labour from among the Shangaans of Mozambique. For more than sixty years Mozambique has been bound closely to the Transvaal or the Union by agreements which have given it advantageous railway and customs rates. To-day, Mozambique stands or falls with the Union.

The British colony of Southern Rhodesia lies between the Zambezi and the northern frontier of the Union. The British South Africa Company, which founded it, still exists there as a powerful business concern, but it ceased to rule in 1923. Southern Rhodesia now enjoys the powers that were usual in British self-governing colonies before the days of Dominion status. Its relations with the Union have always been intimate. It has been settled largely from the south; ties of blood and speech are strong; its fundamental law is the Roman-Dutch law of the old Cape Colony; for forty years appeals lay in the first instance to a South African

SOUTH AFRICA

court and some go there still; for many years, again, Southern Rhodesia was a member of the South African customs union. Latterly it has withdrawn itself from its southern neighbour. It declined to enter the Union in 1910 or to reconsider that decision at a referendum a dozen years later; it has now withdrawn from the customs union and turned its thoughts towards amalgamation of some sort with the British territories beyond the Zambezi, in spite of the fact that a recent Royal Commission has poured cold water upon that scheme because of the smallness of the European populations and the divergent Native policies of the territories concerned. It is now less willing than ever it was to contemplate union with the South, mainly because it fears centralized rule from Pretoria, the inconvenience of the English-Afrikaans bilingualism which is the law of the Union, and the probable flooding of its all too numerous 'wide open spaces' by the poorer class of Union Afrikaner. Relations between the two communities are cordial enough, but you must never call a Rhodesian a South African.

The large and generally infertile territory of South-West Africa lies upon the west coast. It is isolated from the main mass of Union territory by dreary and almost waterless tracts, but it is linked to the Union's railway system and itself possesses a serviceable network of lines. As a C mandated territory it is ruled more or less as an integral part of the Union, which controls its railways and customs; and since South Africa is its only money market it stands deeply in the Union's debt. Perhaps half its small white population are Germans; the rest are immigrants from the Union, Afrikaners in the main. Two-thirds of the members of its Legislative

SOUTH AFRICA

Assembly are elective, and the majority of the electorate favours the inclusion of South-West Africa as a fifth province of the Union. So far the Pretoria government has not adopted that solution; meanwhile 'South-West' has long been a source of anxiety to them because of the extension thither of Nazi activities. On the other hand, the Union's war policy has been supported strongly at a recent general election, and vigorous steps have been taken to quash any dangerous developments.

Wedged in among these various colonies and provinces are the three territories of Basutoland, Swaziland, and Bechuanaland, the last remnants of direct Imperial rule south of the Zambezi. Each of them is governed by a representative of the High Commissioner for South Africa who is responsible to the Dominions Secretary. Basutoland, technically a colony, is almost entirely a Native reserve, a small and mountainous country with a strip of good land on its western side. Europeans are much more numerous in Swaziland, but some two-fifths of this little protectorate is reasonably fertile tribal land. The huge, poor and sparsely peopled Bechuanaland Protectorate contains extensive Native reserves, much almost empty Crown land, and a few strips of European settlement mainly along the railway which runs northward towards Central Africa close by the Transvaal border.

The connexion of 'the Protectorates' with the Union is very close. All three are members of the South African customs union; such railways as they have are run by the Union; the Union is the main, and sometimes the sole, market for their principal products—cattle and labour. Provision was made in 1910 for the transfer of their governance from

SOUTH AFRICA

the Imperial to the South African Government at some possibly far distant date and on terms laid down in a schedule appended to the South African Act. The question of transfer has been raised from time to time by the Union authorities with the approval of many of the Protectorate Europeans; but it has always awakened influential opposition in Great Britain and South Africa, while, as far as can be judged, Native Protectorate opinion is against it. Meanwhile the heads of the Protectorate and Union Native administrations collaborate closely on matters of common concern, and the British taxpayer finds considerable sums for the improvement of conditions in the territories.

Racial Problems: The Europeans

The fortunes of the Protectorates are a reminder that racial problems are among the chief that have to be faced in all Black Africa. The views held by the majority of South Africans, British and Afrikaner, on the proper relations between whites and others must be taken into account whenever a solution is sought in other parts of the continent, for these views are shared by many of the settlers in the British territories to the north. In the Union itself the problem of adjustment is complicated by the fact that there are three groups of white folk whose mutual relations are not easy. These three groups are the Afrikaners, the British, and the Jews.

Afrikaners

It is not always possible to distinguish the British from the Afrikaners, because intermarriage proceeds apace, surnames often give no clue, and

SOUTH AFRICA

the rising generation of each group is to an increasing degree bilingual. It is, however, safe to say that close on 60 per cent. of the 2,000,000 Europeans are Afrikaners with a language of their own and a keen national consciousness. They are still, in the main, a rural people, and though their birth-rate is slowing down it is higher than that of the predominantly urban British. Many of their younger folk are less stalwart Calvinists than their elders, but the Afrikaners are still a Bible-reading people, as keen on book-learning as any Scots, and, as a body, supporters of one or other branch of the Dutch Reformed Church. They make good soldiers in their own fashion, patient, resolute, and self-reliant to a degree, and they have a flair for the politics which have sometimes been called South Africa's major industry. This flair for party organization, helped by sheer numerical superiority and the favour shown in the South Africa Act to rural constituencies, has ensured that the Union shall be dominated by the Afrikaners. Moreover, this small nation has produced, in Kruger, Hofmeyr, Botha, Smuts, Hertzog, and their like, notable statesmen.

British

The British number some 35 per cent. of the white population. More and more of them are going 'on the land', but, as a whole, their interests centre in the commerce of the ports and the mines of the interior. They are more divided on religious and political matters than are the Afrikaners, and, for the rest, have the qualities of their forebears. A great breach was caused between them and the Afrikaners by the South African war of 1899-1902,

SOUTH AFRICA

a war which formed the early memories of most of the men who now control the destinies of the Union. Time, changing circumstances, and wisdom on both sides have gone far to heal the breach. The vast majority of the British are now South African born with a thoroughly South African outlook, while an increasing number of Afrikanders have realized that the short-lived aggressive British imperialism of the eighteen-nineties has long been dead, that capitalism as embodied in the gold-mines is well under governmental control and the mainstay of the Union's finances, and that the Afrikander way of life, in whose defence Hertzog formed the Nationalist Party in 1913, is no longer in danger now that British immigration has virtually ceased and Afrikaans has become a literary and official language in place of High Dutch. In normal times the two peoples jog along together remarkably well, all things considered, and there are some who hope that the present war will provide the great common experience that will make the Europeans of South Africa more nearly one people than ever before.

On the other hand, the fires still smoulder and can easily be fanned into flame. A dwindling number of the British are still suspicious of all things Afrikander, a larger and fluctuating number of Afrikanders repay this suspicion in kind, while the extreme Nationalist followers of Dr. Malan are Sinn Feiners intent upon stressing that which divides rather than that which links them to their neighbours. The centenary celebrations of the Great Trek in 1938 were given a fiercely anti-British twist, while the outbreak of war has led to great strain. Malan's followers, and many of

SOUTH AFRICA

Hertzog's also, resent the Union's entry into what they regard as a 'British war'. They demand a republic more and more openly and lend a wishful credence to German war propaganda, while some of them, especially at the Afrikaner universities and colleges, display a taste for Nazi ideas on the proper relations of supermen to the rest of creation. But, after all, they belong to a people which naturally tends to 'think with its blood' in a mixed community, forms commandos readily, and in spite of its individual self-reliance gives wide discretionary powers to the leader of the moment. And let it be remembered that the deepest Afrikaner bitterness is directed not against the British but against fellow Afrikaners who are not of their persuasion.

Jews

During the past decade South African Jewry has fared less well than it once did. Prior to 1890 there were comparatively few Jews in South Africa, and even to-day they number little more than 5 per cent. of the European population. Most of them come from central or eastern Europe, notably from Lithuania. As a body they are strict Jews, supporting the Zionist movement generously and abstaining from marriage with Gentiles. They control a great share of the business of the larger towns, especially of Johannesburg, where they number 17 per cent. of the white population; but they are also scattered in the smaller towns and villages, or in the country-side as shopkeepers, hotel managers, and occasionally farmers. Their abler young folk flock into the legal and medical professions. It must be stated frankly that anti-Semitism is rising

SOUTH AFRICA

in South Africa, especially in the smaller towns, and that though it is most outspoken in Nationalist circles it is not confined to them. The wide powers which the Government has taken since 1930 to control immigration are avowedly aimed at Jews in the first instance, while a year or two ago the Malanites made further restrictive legislation one of the main planks of their election platform with considerable success. Latterly more than one anti-Semitic 'shirt' movement has arisen owing a good deal to German encouragement and example.

Racial Problems: The Non-Europeans

The problem of adjusting the relations of the three European groups in the Union is, however, as nothing compared with that of finding a *modus vivendi* between them and the non-European majority. That majority also consists of three groups. First, the 770,000 mixed Cape Coloured folk, a people civilized, however humbly, in the Western fashion, who live for the most part in the western half of the Cape Province. Secondly, the 220,000 Indians, most of whom are to be found in Natal and the towns of the Transvaal. The great majority are low caste, or no caste, Hindus. Thirdly, there are the 6,600,000 Bantu, the Natives, who range from a still tribal majority to the few who have become thoroughly westernized and even hold professional qualifications. They are to be found in all parts of the Union, though as very recent immigrants in the long-settled south-west. They are most numerous in the eastern half of the country.

This non-European problem, in the form of competition with white men for land and employment,

SOUTH AFRICA

was not felt seriously until about the time of Union in 1910. Then the Europeans realized that it was bound up with the growing problem of the Poor Whites, Afrikanders for the most part, who were drifting from the land to the towns and feeling non-European competition acutely. And not they alone. Skilled and semi-skilled workmen began to find that non-Europeans were ready and eager to do their work at far lower rates of pay. More and more the policy of the Government and the desire of the great majority of the European population have been to curtail the non-Europeans' political power, restrict their opportunities of acquiring land outside well-defined areas, and limit their choice of employment for the sake of saving 'white South Africa'.

The Native Franchise

This policy of segregation has been carried farthest in the case of the Bantu; but much of it applies also to Coloured folk and Indians. Consider first the matter of votes. The Republics had always withheld the franchise from non-Europeans; Natal offered it to all alike in theory but debarred Indians and Bantu in practice; the Cape Colony alone, from 1853 onwards, gave it to men of all races who could satisfy certain conditions. These provincial franchises were retained at the time of Union and the Cape franchise was specially safeguarded, though Cape non-Europeans were deprived of their hitherto unexercised right of sitting in Parliament. Some of the staunchest supporters of the Cape franchise are Western Province Afrikanders, but from 1925 onwards Hertzog pressed hard for the abolition of the Natives' right to the vote with the support of Labour and an increasing

SOUTH AFRICA

number of Smuts's British and Afrikaner followers. The white electorate was doubled in 1930-1 when the vote was given to all adult white men and women in the Union, and in 1936, after Hertzog and Smuts had joined hands, the Cape Bantu franchise was still further whittled away. Those Cape Bantu who can qualify for it still get the vote side by side with Coloured folk and Indians, but they are entered on a special roll and elect only three Europeans to represent them in the House of Assembly. The rest of them and the Bantu in the other three provinces, voting through their chiefs, councils, boards, and so on, return four Europeans to the somewhat ineffective Senate, while the Government continues to nominate four other Europeans mainly for their knowledge of the wants and wishes of the non-Europeans. These same large constituencies also elect twelve Bantu to sit beside Bantu nominees and European officials on a purely advisory Native Representative Council. Municipal councils are still open to non-Europeans in the Cape Province; but, since 1936, the Cape Provincial Council has been closed to them, and the Malanite Nationalists have been pressing for the political segregation of the Cape Coloured folk.

Labour

Next, employment. In the ex-Republics non-Europeans were shut out from certain kinds of work by a legal colour bar, reinforced by a customary bar which was applied in the coast colonies also. Since Union the tendency has been to confirm and extend the legal colour bar. Again, the Nationalist-Labour Pact ministry instituted a white labour policy on the state railways and other governmental

SOUTH AFRICA

undertakings, and brought pressure on municipalities and private firms to employ Europeans, whose labour was subsidized or rendered less immediately costly in some other way, in place of non-Europeans. Further, though much has been done for non-European education since 1910, it still lags so far behind that comparatively few who receive it can bridge the gap between the end of their schooling and the minimum requirements for apprenticeship to many trades. The Cape Coloured folk are admitted to many of the trade unions in the Cape Province, where they are also freest in other respects, but even there they are in danger of being crushed between privileged white labour and cheap Bantu labour.

The South African Indians, the vast majority of whom were born in the country, share these economic disabilities, and have others of their own. Many of their ancestors were imported under indenture to work in the sugar plantations of Natal from 1860 onwards; but it is now difficult for an Indian to enter the Union; the movement of all of them from one province to another is restricted, and the Orange Free State will not admit them on any terms. For years past the Union and Indian Governments together have encouraged them to return to India, but the number of those that have gone is less than the natural rate of increase. The two Governments have also agreed that, while Europeans are entitled to safeguard their standard of life, which Indian competition threatens, Indians who so wish must be helped to attain to that standard. The strain has been eased by the appointment of an Agent representing the Government of India; but much remains to be done by the Indians

SOUTH AFRICA

themselves and their rulers to achieve the desired end. Meanwhile would-be Indian traders in Natal and the Transvaal often find it difficult to obtain licences from elective local authorities.

Land

Thirdly, there is the problem of the land, with which is interwoven the question of Bantu labour. Non-Europeans were never able to hold land in their own right on individual tenure in the Republics; but elsewhere they could and did, and between 1905 and 1913 Bantu were permitted to do so even in the Transvaal. Since Union the tendency has been to confine the Bantu to specified rural areas, to exclude them from the towns except on sufferance; to maintain against them the pass laws in many parts of the country, and also to stiffen the spasmodically administered segregation laws in Transvaal urban areas against Coloured folk and Indians and to debate seriously a similar enforcement in the Cape Province.

The segregation policy has so far been applied most systematically to the Bantu two-thirds of the Union's population. Speaking broadly, 50 per cent. of these dwell in scattered reserves, the largest of which are in the Cape Native Territories, eastern Natal-Zululand, and the northern Transvaal. Perhaps 40 per cent. live in European rural areas, and some 10 per cent. in the towns or Native townships adjacent thereto. It is impossible to enter into details here. It must suffice to say that the policy pursued by successive Union Governments since 1913 is based upon principles and practices which can be traced back for a hundred years or so, chiefly to the Republics and Natal, and is intended to

SOUTH AFRICA

encourage the Bantu to develop a society 'along their own lines' side by side with, but apart from, the society of the white and coloured peoples. Pressure has been brought upon Native squatters, that is Natives who pay rent other than labour for the right to live upon European lands, to choose one of three courses. Either they must become short-term labourers under the protection but also under the penalties of the Masters and Servants Acts which, *inter alia*, makes a strike a criminal offence; or they must become labour-tenants paying rent in work, they and their dependents, on anything up to 180 days in each year as their landlord may direct; or else they must retire to the reserves. In some parts labour-tenants have also been subjected to the Masters and Servants Acts, and recently a very old policy has been revived, potentially on a Union-wide scale, of distributing them more evenly among the European farmers.

The reserves to which 'redundant Natives' must repair were admittedly inadequate in 1913. The land law of that year deprived Bantu outside the Cape Province of such rights as they had of acquiring land in European areas, and, except by executive action, no further areas were set aside for them till 1936. Additional areas were then marked out in all four Provinces by Parliament, but the Cape Natives' right of acquiring land anywhere in their own province was taken away. Much of the new and old Native land is good; but much is eroded, nearly all lacks amenities which exist in European areas, some of the new land is already in Native occupation, and additional lands must be paid for in the last resort by Natives whose low purchasing power is the main difficulty in the way of develop-

SOUTH AFRICA

ing the Union's home market. Moreover, the scattered blocks set aside for Native occupation would seem to be an inadequate basis on which to set up a separate Bantu society.

The quality of Native administration by devoted officials, who are assisted in the extensive Cape Native Territories and some other parts by elective Native councils, has improved greatly since the time of Union. On the other hand, the problems raised by Native administration have impelled the Government to take wide discretionary powers, which sort ill with parliamentary principles, while recent legislation has weakened the Natives' powers of bringing pressure on the European Parliament. More than ever the fate of the Bantu majority depends upon the spirit in which Parliament and electorate discharge the trusteeship which they have assumed.

Defence and Foreign Policy

The Union, which is thus attempting the task of building within the same state two social pyramids resting alike upon a shifting mass of black labour, has been called upon to face the issues of peace and war as a sovereign state.

The naval side of South Africa's defence system has always been supplied by the Royal Navy based upon Simonstown in the Cape Peninsula. In colonial days the British Government also maintained a garrison in the Cape Peninsula and on the more dangerous of the Native frontiers. In 1912, however, the new Union Government organized its own Defence Force, the last of the Imperial troops were withdrawn during the Great War, and in 1921 the British Government handed over to the

SOUTH AFRICA

Union its local military property including the forts at Capetown and Simonstown on the understanding that the dockyard at Simonstown should be available for the Navy under all circumstances. This anomalous arrangement has been criticized by Nationalists, and even by Hertzog in earlier days, as a threat to the Union's right of neutrality, but it has been accepted by South African ministers of whatever party colour.

Successive ministries have always considered the problem of land defence, for which the Union has been solely responsible since 1914, in close co-operation with the Imperial authorities. From 1934 onwards till the outbreak of war the task of overhauling the Union's defences was entrusted to the energetic Mr. Pirow. He proposed to create a mobile force of infantry and mounted infantry with as much home supply as possible, and also to improve internal communications, strengthen the defences of the chief ports, develop Table Bay as a harbour capable of sheltering the largest ships and seaplanes, and equip the Air Force to assist the Royal Navy or, if need be, defend British and even non-British territories to the north.

The crisis came for South Africa in the parliamentary debate of 4 September 1939 on the issue of war or neutrality. Hertzog, the Prime Minister, had always claimed the right of neutrality, and most of his opponents now accepted it. On the other hand, he had long ago hailed the Royal Navy as the guarantor of his country's liberties and agreed that South Africa must go to war, as a loyal member of the League of Nations, if any Power made 'an aggressive and dangerous attack' on Great Britain, and at least 'occupy itself with European affairs'

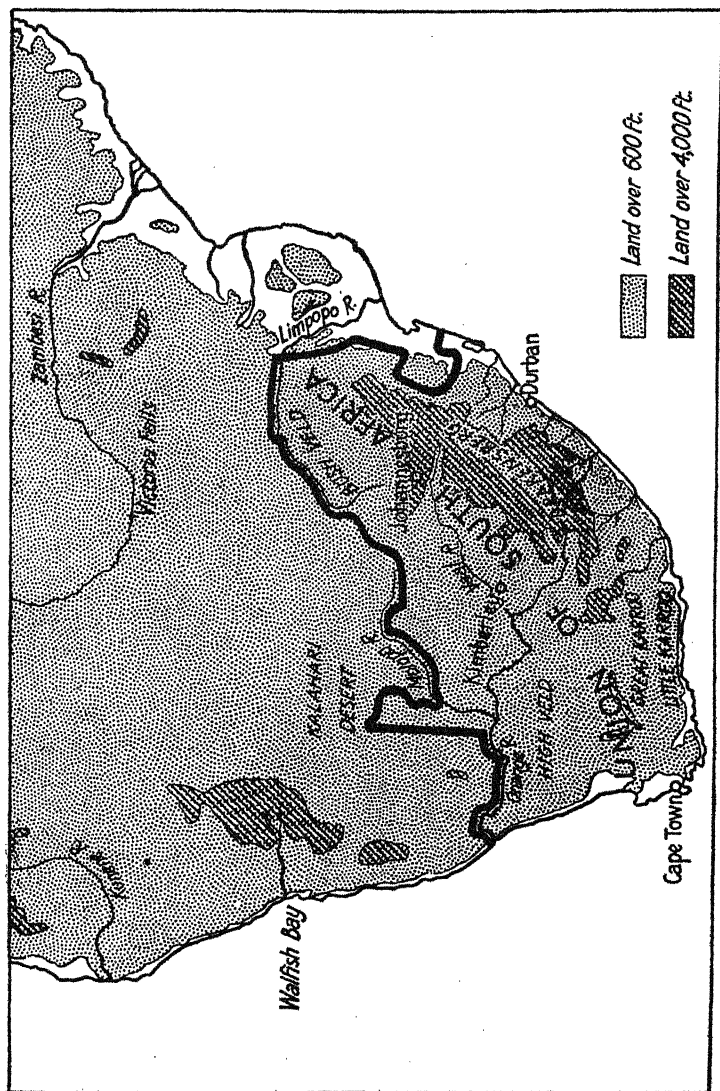
SOUTH AFRICA

if any Power aimed at dominating free peoples and thereby threatened the liberties of South Africans. The Malanite Nationalists had demanded with increasing vigour a general declaration of neutrality, and even advocated the return to Germany of her lost colonies provided South-West Africa, with its numerous Afrikanders, was treated as 'a special case'. The Dominion Party, at the other extreme, had urged South Africa to subscribe to a definite Imperial scheme of defence. Smuts would have none of that; nevertheless, as the Nazi aims became more apparent, he insisted that South Africa must 'stand by Britain'. When it came to the point the various parties ran true to form. Hertzog, who regarded the German invasion of Poland as a distant and purely local affair, proposed a formula of modified neutrality which, in effect, ignored the general war. Smuts held that the Nazis were aiming at world supremacy and thereby endangering South Africa's liberties. He carried the day and the Union declared war upon the Reich. 'Neutrality', said Smuts presently as the Nazis forced their way down to the North Sea over the bodies of neutral states, 'is dead. It has proved itself to be a trap.'

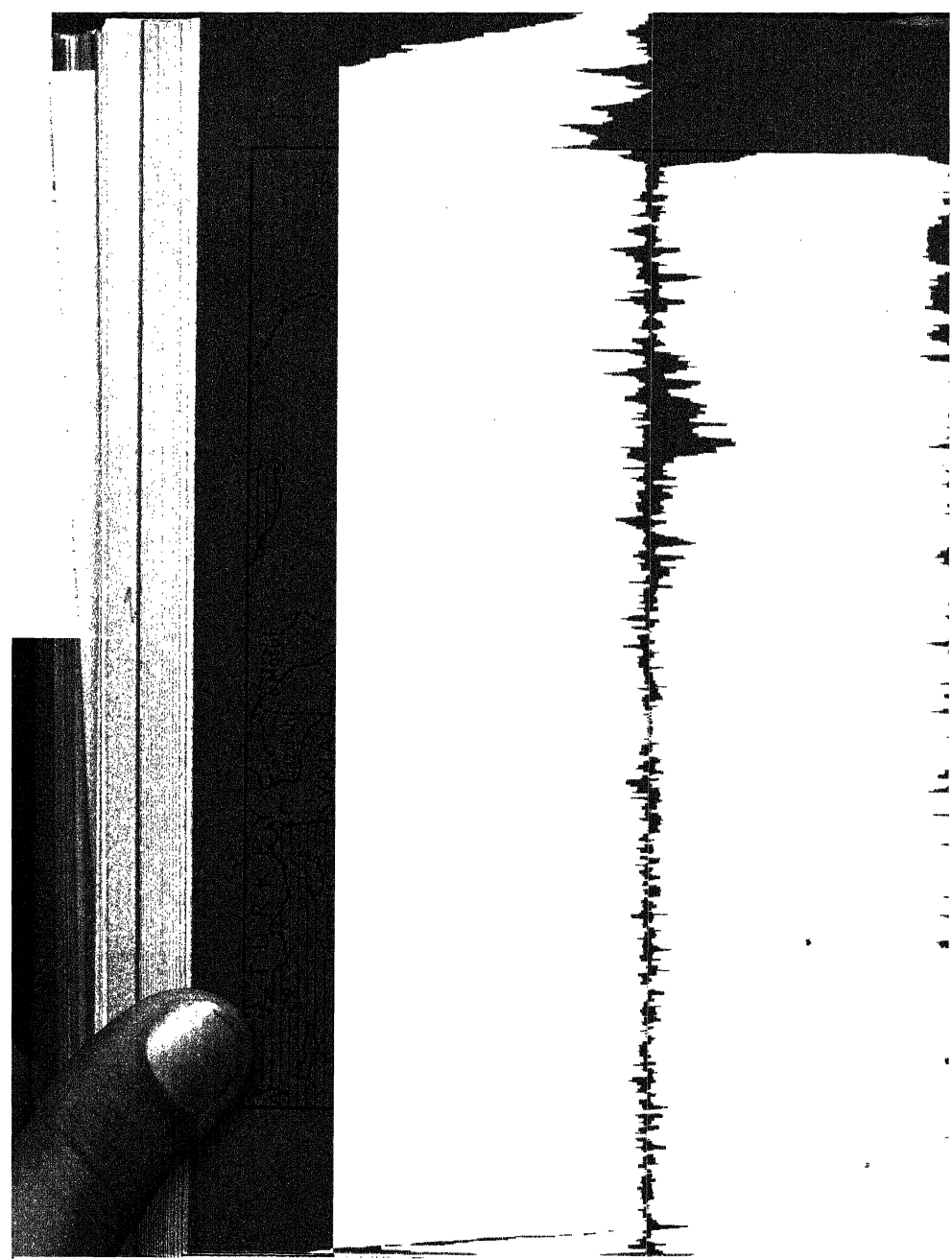
For a time the situation was serious. Smuts's composite ministry was insecure, many of Pirow's military reforms existed only on paper, and there was always the risk of a rebellion as in 1914. Fortunately Hertzog, Malan, and Pirow also, in spite of his avowed sympathy with much of the Nazi philosophy, condemned anything savouring of violence, and by the time the Malanites had joined with Hertzog's followers in a Reunited Nationalist or People's Party under the leadership of the ex-Premier, Smuts could count on an adequate majority

SOUTH AFRICA

in both Houses. His ministry has dealt with enemy aliens in the Union South-West Africa with moderation and good effect, put the Defence Force in a sound state, and advanced home supply so far that the Union can meet most of its own needs and furnish Great Britain with certain munitions of war. Since Pirow and other opponents threatened to make trouble if ordinary Defence Force regiments were sent beyond the borders of the Union, Smuts has raised a Mobile Defence Force for service 'anywhere in Africa' or, as thousands of its members have indicated, 'anywhere'. It is these troops who have followed the South African airmen to Kenya. They can be trusted to give a good account of themselves there, while the remainder of the armed forces of the Union, and the Royal Navy, guard the treasure house of the Witwatersrand and the half-way house to India.



SOUTHERN AFRICA—PHYSICAL



OXFORD PAMPHLETS ON WORLD AFFAIRS

No. 40

THE
A R A B S

BY
H. A. R. GIBB

OXFORD
AT THE CLARENDON PRESS
1940

K. MARADANA SODASILLER, MYLAPORE.

THE Arab world described in this pamphlet, and surveyed region by region, stretches from the south-eastern corner of Arabia, where the coastline of Oman faces Karachi, less than 500 miles across the Arabian Sea, to the Atlantic seaboard of Morocco on the north-western flank of Africa; a distance, from east to west, of nearly 5,000 miles. In Asia it includes Arabia proper, Iraq, Syria, Palestine¹, and Transjordan; in Africa it includes Egypt, Libya, Tunisia, Algeria, and Morocco. The total area is some 3,300,000 square miles, considerably greater than that of the U.S.A. The total population is over 50 millions.

The author describes the effect of the impact of the West upon this huge cluster of Arab lands and the re-awakening of Arab self-consciousness and Arab Nationalism. 'Gone is the lethargy, the political apathy, the calm acceptance of good and evil as the Will of God. From end to end the Arab world is in travail.'

H. A. R. Gibb is Professor of Arabic in the University of Oxford and the author of several standard works on Arabic history, culture, and literature. He edited the symposium 'Whither Islam?' (Gollancz, 1932).

¹ See Oxford Pamphlet No. 31, *Palestine*, by James Parkes.

First published 5 Dec. 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

THE ARABS

I. The Psychological Background

THE Arabs are a people clustered round an historical memory. Over thirteen hundred years ago the Prophet Mohammed preached a religion of monotheism to the townsmen and tribes of Western Arabia. In 622 he founded a tiny state at Medina. Within eighty years the armies of that state had spilled over the whole of Western Asia up to the mountains of Afghanistan and across North Africa to the Atlantic. Wherever they went, they founded colonies which imposed their language, their racial consciousness, and to a large extent their religion, on the conquered peoples; and from their fusion (though some resisted fusion) a new and greater Arab nation was born. To the question 'Who are the Arabs?' there is—whatever ethnographers may say—only one answer which approaches historic truth: all those are Arabs for whom the central fact of history is the mission of Mohammed and the memory of the Arab Empire, and who in addition cherish the Arabic tongue and its cultural heritage as their common possession.

Until little more than a hundred years ago the Arab peoples subsisted on this heritage of medieval Moslem culture. By its balance of social and economic interests and the religious sanction which they had acquired, the old Moslem system fostered a sense of well-being and a rather apathetic attitude towards politics and questions of government. Although the vitality of the system was gradually diminishing, there was no incentive to changes

THE ARABS

which might disturb the social harmony. Living in the traditional way in their self-contained world, the Arabs knew nothing of the political and economic evolution of Europe, and still thought of the 'Franks' as a barbarian nation beyond the pale, infidels to whom the Sultan had condescended to grant trading privileges in their cities.

It was consequently with a sense of shock and outrage that they witnessed and suffered the intrusion of Europe. From the west and from the east the 'Franks' encircled the Arab countries. They imposed their will upon Sultans and upon lesser princes and chiefs. 'Frankish' armies intervened in their wars, 'Frankish' consuls, merchants, and colonists in their local affairs and economic life. From the Arab point of view, the nineteenth century is a tale of increasing European penetration, of increasing dislocation of the old order of things and, amongst the politically minded and the more educated, of bewildered effort to grasp the secret of Europe's success and turn it to account. But what hurt most of all was that the Moslem Arabs, who had always looked upon Islam as the ultimate revelation of truth and upon themselves as the pattern for other nations, were now for the first time thrown into contact with peoples who despised them and all that they stood for. In this, much more than in the political and economic revolution, lay the seeds of future conflict.

At first, the Western tide seemed to carry everything before it. While the great majority of the people were only dimly conscious of the changes

THE ARABS

taking place around them, new generations passed through schools organized and directed by Western agencies or on Western models, and entered into a public life whose institutions and ideals were almost wholly borrowed from the West. Above all, a new Arabic press spread the new ideas far and wide, and combined with the rapid increase of personal contacts with the West to form a new mentality, set against the background of the old social and religious tradition. However imperfectly the new institutions might work, especially in the territories still governed from Istanbul, there could be no going back to the old order in politics, at least.

But in the deeper things of the spirit the Western invasion, here as everywhere, brought about a conflict which has grown sharper with every decade. To the young, the active, the ambitious, the self-assertive, the seeker after novelty, and the reformer, the West opened up new vistas. Their impatience, their lack of experience, the contempt or hostility of some of them towards the old institutions, all these stirred up resentment; and a real and well-justified fear of the social and intellectual effects of westernization has succeeded so far in curbing the threatened revolution. A long and tenacious battle was engaged between the two philosophies, which, now in one shape, now in another, continues to play a vital part in the inner life of the Arab peoples and shows no signs of abating. But one thing was and is shared by the partisans of both causes. The coming of the West had shaken the Arabs out

THE ARABS

of their long medieval lethargy. Slowly at first, but with increasing force and in ever-widening range, the national consciousness revived to serve as rallying-point and inspiration in the effort to avoid complete surrender to the spiritual and material forces of the West.

II. The Human Elements

The area of Greater Arabia has suffered little change since the conquests of the seventh century. From the Persian Gulf and the foot-hills of the Iranian mountains it extends westwards through Syria, Palestine, Egypt, Libya, Tunisia, and Algeria to Morocco and the Atlantic Ocean. At the height of their power the Arabs were masters also of Iran, Sicily, and most of Spain and Portugal. To-day only the Arabic-speaking (but not Arab) population of Malta remains to witness to their former sea power in the Mediterranean. In the Indian Ocean they founded colonies, which still exist, on the east coast of Africa and in the Dutch East Indies. But the only effective extension of Arab territory in the last thousand years has been into the northern Sudan.

A peculiar feature common to all the Arab lands is that they are bounded by deserts, which often separate them from one another. It is perhaps largely for this reason that the Arabs as a whole are pictured in the popular imagination as Bedouins, that is to say, as camel-rearing nomads. But in truth the Arabs are divided—and so far as we know have always been divided—into two main social

THE ARABS

groups: the settled townsmen and the nomad herdsmen, with a fluctuating intermediate body of cultivators, half settled and half nomadic. It is not the nomad, but the townsman, who has in all ages guided the political destinies of the Arabs and been the standard-bearer of Arab culture. On rare occasions the energy of the Bedouins has been harnessed by the sagacity of political leaders, and they have played a valuable role as a reservoir of fresh forces counteracting the physical degeneration to which the settled Arab has often been exposed. But left to themselves they constitute an elemental force of destruction, always menacing the security and culture of the settled lands. The settled communities formed, as it were, oases of civilization, engaged in a perpetual struggle to maintain themselves against the ceaseless pressure and infiltration of the nomads and exposed to repeated fluctuations of fortune. And, broadly speaking, for several centuries prior to 1800 the nomads had steadily encroached on the settled lands, in some regions, such as Iraq and Algeria, destroying the works of civilization outside a few walled cities, in all sapping their economic strength and impoverishing their cultural life. The Ottoman Turkish Sultans, the suzerains of all the Arab lands (except Morocco) since the sixteenth century, could do little or nothing to arrest this process; the most that lay within their power—and this they did—was to prevent the total relapse of Arab Asia and Egypt into barbarism.

It was only in the nineteenth century that the

THE ARABS

tide turned. The strong centralized government set up in Egypt by Mohammed Ali (1805-49) not only broke up the Bedouin confederations in the basin of the Nile but also the powerful nomadic empire of the Wahhabis in Arabia, which had threatened to overrun Iraq and Syria. A little later the Ottoman Government, with its new military forces organized on European models, took up the task of restoring the foundations of law and order in its Arab territories. The difficulties with which it was confronted were far greater than those in Egypt, and the means at its disposal were sadly insufficient, but it succeeded, even if only to a limited extent, in curbing the nomad and giving some security to the townsman and the cultivator. The measure of its achievement can be more fully appreciated when it is remembered how many years of labour, and what sacrifices in lives and treasure, it cost the far more powerful French Government to pacify and settle Algeria after its occupation in 1830. To the very end of Ottoman rule, however, the recovery of Arab Asia remained precarious, and it was not until the period after the war of 1914-18 that the menace of the nomad began definitely to recede.

When we take up our survey of the Arab countries region by region, therefore, we must bear in mind the paradox which every one of them presents in greater or less degree. All are heirs of a highly developed civilization, with a rich tradition of spiritual and intellectual culture, but all are emerging from a condition of political, economic, and even moral

THE ARABS

weakness. The problem which faces them all is to recreate a stable society. And in facing this problem the more far-sighted Arab statesmen have not forgotten that the restoration of ordered government—whether carried out by local authorities using European military and administrative methods, or by European powers directly—was in reality the first-fruits of the Western penetration.

Another feature of the Arab countries which has had important social and political consequences goes back to the methods and policy adopted by the conquering Arabs to the conquered peoples. The conquests were a national movement inspired by a religious faith. Those of the conquered who accepted Islam were for the most part gradually merged into the new and greater Arab nation. But some of the peoples in the remoter hill countries, though they were converted to Islam, retained their old speech and something of their old traditions and exclusiveness. The Kurds in the mountains to the north of the Mesopotamian plain, and the Berbers in the mountainous tracts of North-West Africa, have always remained distinct from the Arabs, although it would be an exaggeration to speak of a strong national consciousness amongst them. Secondly, those peoples who retained their old faiths, Christian or Jewish, continued to exist as 'protected' communities, enjoying on the whole a wide toleration. So, in every Arab country except Arabia, there survive to the present day racial or religious minorities, who are precluded from fully sharing those loyalties and convictions which, by

THE ARABS

the terms of our definition, constitute the foundation of Arab national consciousness.

But even amongst the Arabs themselves there exist other lines of division, whose origins and causes are intimately connected with the historical foundations of the Arab movement, and which are therefore the more resistant to well-meant efforts to heal the breach or seek a compromise. Outwardly, the division between Sunni and Shi'ite goes back to a dynastic quarrel over the political succession to the Prophet Mohammed. The Sunnis maintained the rightness of the historical order of succession—Abu Bekr, Omar, Othman, and then Ali; the Shi'ites maintained that Ali, the cousin and son-in-law of the Prophet, was the only legitimate successor and that the others were usurpers. But the quarrel perpetuated itself by developing into a religious schism, to produce at length different mentalities. Broadly speaking, Sunnism stood for the tolerant, compromising, Erastian outlook of established orthodoxy, while Shi'ism took on the character of a secretive and often intolerant sectarianism. The schism is still a live issue in Iraq, where the Shi'ite tribesmen and population of the towns of Najaf, Kerbela, and Kadhimayn actually outnumber the Sunnis, and in Arabia, where Shi'ism is the dominant power in the Yemen. In Syria the position is complicated by the survival of three separate communities, each professing a distinct form of heterodox Shi'ism—Druse, Nusairi, and Isma'ili—with peculiar local traditions and characteristics.

THE ARABS

Elsewhere in the Arab world Shi'ism is non-existent, but North-west Africa and Oman in Arabia still harbour remnants of another schism which broke out in the century after the death of Mohammed. The Kharijites ('Seceders') were an extreme militant and puritanical sect, who waged war on their more complaisant fellow-Moslems, and their present-day successors in the Algerian M'zab and in Oman are still distinguished by their puritanical habits and outlook. The Wahhabis of Central Arabia constitute in one sense an intermediate group between the orthodox Sunnis and the Kharijites, with whom, indeed, they were identified by the orthodox on their first appearance. But they claim to belong to a puritan movement of later origin which was reckoned one of the four 'schools' of orthodox Sunnism, and this claim has been allowed by other Moslems generally.

It is a delicate matter to assess the influence of such sectarian divisions upon the political and social problems of the Arab countries to-day. The extremer Nationalists either ignore or minimize them, and can point to many instances where followers of the different sects have united in demonstrations or political activities. But although unity of feeling on external questions is real and undeniable, it has only a secondary and indirect effect on the vital problem of internal stability. And in this connexion the doctrinal differences are infinitely less important than the inherited traditions, customs, and outlook which distinguish the various groups.

THE ARAB WORLD

| Country | Status | Area (sq. miles) | Population | Annual Revenue (see note at foot) | Exports 1937 | | Imports 1937 | Remarks |
|-------------------|---|----------------------|--------------------------------|---|-------------------------------|-------|-----------------|---|
| | | | | | (millions of gold dollars) | | | |
| Egypt | Independent State in alliance with Great Britain | 383,000 ¹ | 1937 15,904,525 | 1939-40 L.E. 40,504,800 | 115.6 | 111.2 | | ¹ of which only 13,600 are cultivated |
| Iraq | Independent State in alliance with Great Britain | 116,600 | 1935 3,560,456 | 1938-9 Dinars 5,795,530 ² | 16.3 | 27.9 | | ² exclusive of oil royal- ties (dinars 1,977,458) |
| SYRIA- LEBANON | French mandated ter- ritories | 57,900 | 1938 3,342,000 | 1938 Fcs. 551,147,180 | 25.0 | 12.0 | | .. |
| PALESTINE | British mandated terri- tory | 10,429 | 1938 1,435,285 ³ | 1938-9 L.Pal. 5,937,280 | 17.0 | 46.4 | | ³ including about 400,000 Jews |
| TRANSJORDAN | Mandated territory in treaty relations with Great Britain | 34,740 | About 300,000 | 1938 L.Pal. 529,615 ⁴ | .. | .. | | ⁴ including a grant-in- aid from the Im- perial Treasury |
| SA'UDI ARABIA | Independent State | About 800,000 | About 4,500,000 | .. | .. | .. | | .. |
| YEMEN | Independent State | 75,000 | About 3,500,000 | | | | | |
| OMAN | Independent State in treaty relations with Great Britain | 82,000 | About 500,000 | .. | .. | .. | | .. |

| LIBYA | Italian Colony | 677,000 | 1938 888,401 ⁵ | 1939-40 Lire 600,115,000 ⁶ | .. | .. | ⁵ including 80,098 Italian colonists mainly grant-in-aid from the Italian Treasury |
|---------|---|--------------------------|--|---|-------------|-------------|---|
| TUNISIA | French Protectorate | 48,300 | 1936 2,608,313 | 1040 Fcs. 811,198,000 | 26.2 | 31.0 | .. |
| ALGERIA | French Territory | 847,500 | 1936 7,234,684 ⁷ | 1040 Fcs. 2,526,128,968 | 102.3 | 96.8 | ⁷ including 987,252 European colonists |
| MOROCCO | French Protectorate Spanish Protectorate International Zone | 153,870 13,175 225 | 1936 6,298,528 795,202 60,000 | 1939 Fcs. 1,185,054,070 Fcs. 111,785,245 Fcs. 26,795,000 | 27.0 1.1 | 41.3 3.8 | .. |

NOTE. The Palestinian pound and Iraqi dinar are at par with the pound sterling, and the Egyptian pound is worth sixpence more. At the end of 1939 the official rate for French francs was 176.6 to the pound, for Italian lire about 78, and for Spanish pesetas about 40.

III. Egypt

Geography and history have combined to make the fortunes of the different Arab countries very unequal, and their inequality was enhanced, rather than lessened, during the nineteenth century, chiefly as a result of the varying intensity of the Western impact and of the local reactions to it. In two regions, Egypt and Lebanon, which were largely autonomous and in which Western influences were continuous and far-reaching, there was a rapid expansion of material and intellectual culture, and in both the seeds of nationalism had begun to bear fruit well before the end of the century. In the directly administered Arab provinces, Iraq, Syria, and Palestine, progress was limited by the slow and often reactionary methods of the Ottoman Empire, and Western influences were mainly filtered through the muddy vessel of Turkish administration. Arabia, little affected by the outside world, pursued its immemorial ways until the war of 1914-18. Finally, North-west Africa, after several centuries of decay and disorder under Turkish corsairs and Moroccan Sultans, has only in the last two generations seen a new régime built up under direct French control.

Thus in the Arab family Egypt occupies the place of elder brother. Its population is not far short of all the others put together, and in its economic, social, and cultural progress it has far outdistanced them. Yet at the beginning of the nineteenth century it was a poor and largely derelict

THE ARABS

country with a population of some three millions. The factors which have brought about this spectacular advance are worth examining, since it is in the light of what Egypt has accomplished that the potentialities of the other Arab countries can be most fairly estimated.

The freedom from Turkish control which Egypt has enjoyed in its internal affairs since Mohammed Ali founded the reigning dynasty in 1805 was of importance in enabling it to develop on its own lines. But this in itself would have meant little had not the Khedives taken advantage of Western skill and technique to develop its resources, a process continued and extended after the British occupation in 1882. The wealth of Egypt has hitherto lain in its agriculture, and its increasing prosperity has been due primarily to the great extension and improvement of its irrigation system by digging new canals, building barrages and dams to form reservoirs, and by scientific methods of draining off the surplus water. One consequence of special importance was the expansion of economic crops, particularly cotton and sugar, on which the economic well-being of Egypt now depends. It is only quite recently that steps have been taken to round off the economic progress of Egypt by fostering industries to utilize the raw materials—agricultural and mineral—available in the country. Since physical conditions set a limit to the extension of cultivable land, it is mainly on this industrial movement that the solution of its population problems and its increase in wealth must depend.

THE ARABS

This, however, involves a difficult question of ways and means. The economic advance of Egypt during the last hundred years would have been seriously crippled without the freedom of entry enjoyed by foreign capital. Even at the present day, by far the largest volume of liquid capital in the country is in foreign hands. But foreign capital has acquired in the minds of Egyptians and other Eastern peoples a sinister political significance, and the general tendency is to look to the State to mobilize capital for industrial purposes. Although the State may be able to do so to a certain extent, and although Egyptian enterprise has in the last twenty years played an important part in industrial development, yet the rate of progress in the future will necessarily be affected by the presence or absence of Western co-operation in meeting the larger economic issues.

The advance in material culture was paralleled by the progress in intellectual culture during this period. And just as Egypt's economic development caused no breach with the past, but was rather a rebuilding and modernization of its old economy with the aid of Western technique and capital, so intellectually it has developed in the main by modernizing the medieval Arabic culture with the aid of some European concepts and methods. An extremely valuable contribution in this sense was made in the decades before and after 1900 by immigrants from Lebanon, which, under the stimulus of educational missions from the West, had experienced a sudden uprush of vital energy. The out-

THE ARABS

come was to confer on Egypt an undisputed primacy in the Arabic world, both in the fields of traditional Moslem culture and in the newer scientific literary fields, a primacy which has been maintained and increased in the years since 1918. In particular, the wide circulation of the Egyptian press in other Arab and Moslem countries constitutes one of its main international assets.

The growing confidence and self-reliance called out by all these signs of progress inevitably strengthened Egyptian self-consciousness. Although conservative Moslem feeling and the new forces produced by the ferment of Western ideas have often come into conflict on internal questions, they readily join in alliance against external pressure. The first Nationalist movement, which broke out in 1878, was suppressed in a military sense by the British occupation. But Nationalism had taken firm root and grew until it triumphed over a somewhat half-hearted British opposition in 1922, and at length in 1936 a full settlement and alliance was negotiated with Great Britain.

To sum up, then, the progress of Egypt has been due to a long and uninterrupted process of modernizing its economic assets with assistance from foreign capital, to a wide tolerance in matters of education and intellectual culture, which has permitted the rise of an enlightened and instructed middle class, and to the growth of a spirit of patriotism in all sections of the population. But it must be remembered that Egypt started with the rare advantage of being a homogeneous unit,

THE ARABS

physically, economically, culturally, and politically. The only apparent exception to this uniformity is the existence of a small minority of Coptic Christians. But the Copts have so far identified themselves with the interests of their Moslem fellow citizens that friction has been reduced to a minimum and the unity of the nation is in fact unbroken.

The advantages enjoyed by Egypt in its unity and relative self-sufficiency, and the comparatively long and slow process of its moral and material regeneration have, however, produced an outlook which is sharply distinguished from that of the other Arab countries. The eyes of Egyptians are focused on Egypt, and while they do not deny Egypt's kinship with the Arab world and interest in its fortunes, they regard Egypt as a separate and independent unit. If we hold to our definition of Arabs, we must exclude from them large sections of Egyptians, for whom the re-emergence of Egypt is a more important fact than the memory of the Arab Empire, and who tend to set the glories of Rameses II alongside the mission of Mohammed as equal elements in their tradition. This attitude may perhaps be modified substantially in the course of the present conflict, but whatever the outcome the relations of Egyptian Nationalism with Arab Nationalism will be one of the decisive factors in the future of the Near and Middle East.

IV. Arab Asia

For the spirit which animates Arab Asia is uncompromisingly Arab, glorying in the Arab tradi-

THE ARABS

tion and the Arab Empire and dreaming of their revival. In the long lethargy of the Ottoman period it seemed that this spirit was dead, and only the persistent survival of the Arabic language and the Arabic literary heritage distinguished the Arab from the Turk. But the ferment of ideas which stirred Lebanon roused it to new life, first of all amongst both Christians and Moslems there, and then, as the yoke of Turkish centralization grew heavier, among the Moslems of Inner Syria and Iraq. Many leading Arabs, as officers in the Turkish army and administration, or as professional men in Istanbul, were exposed to the same currents of thought as were moulding Turkish nationalism. Their opportunity came in the war of 1914-18 when, with British and French support mediated through the Sharif of Mecca, the leaders of Arab Nationalism joined in the movement to shake off Turkish rule, and visualized the creation of a united Arab State.

That their vision was not immediately realized was due partly to the political rivalries of the victors, partly to deeper causes. The British and French Governments had in fact come to an agreement in 1916 on the division of the northern Arab lands between them, partly as directly administered areas, partly as zones of influence. This division was substantially maintained in the form of 'mandates'—Iraq and Palestine, with Transjordan, being allotted to Great Britain, Lebanon and Inner Syria, with the Jazirah (Upper Mesopotamia), to France. There were Nationalist risings in Iraq in 1920 and in Syria in 1925-6, but both were suppressed.

Looking beneath the surface, however, it is very doubtful whether in the conditions of 1918 and the following years a united State of Iraq, Syria, and Palestine would have been practicable, except under the control of a single European Power. All were regions of sparse population, and not only backward and unorganized in their economy but still half nomadic in their social structure. The vitality of Lebanon had been drained, mainly by mass emigrations to the Americas. There were no industries to speak of, few exportable crops, and no mineral resources except the recently discovered oil-fields of Iraq. The crying need of capital for even the primary necessities of reconstruction could not have been met unless a régime which promised some measure of stability had been set up.

But poverty was not the only hindrance. Real as were the enthusiasm and devotion of the Nationalist leaders, the great mass of the people had no political experience and could not yet shake off the long tradition of local rivalries. Kurds and Arabs, Sunnis and Shi'ites in Iraq, in Syria Moslems, Catholic Maronites, Orthodox, and Druzes—not to speak of narrower but still more intense lines of division—had still to learn the art of mutual tolerance and co-operation. Everywhere, except in Lebanon, the education which would broaden their outlook and fit them to be citizens was in a rudimentary stage, and even in Lebanon education, though more highly developed, was dominated by the spirit of sectarianism.

But twenty years have brought about far-reaching

changes, especially in Iraq, since 1932 an independent State in alliance with Great Britain. Many years must pass before all economic weaknesses can be eliminated, but sound foundations have been laid, with the help of royalties on Iraqi oil. Education and political responsibility have advanced at a rapid rate. Local and sectarian rivalries, if not yet a thing of the past, have lost much of their sharpness. Part of the credit for these advances must fairly be given to the Mandatory Power, and much to King Faysal and his advisers. But amongst the people the incentive has come from their faith in the national destiny, and they have striven with a fierce intensity (which has sometimes led them into excesses) to overcome all the obstacles in its way.

In Syria-Palestine this faith is not less strong, but progress has been slower. An arbitrary division into four States—Palestine, Transjordan, Lebanon, and (Inner) Syria—and several autonomous regions has blocked political co-operation, intensified local rivalries and sectarian feeling, and hindered any rational economic reconstruction. In Lebanon an extremist section of the Maronites has been encouraged to maintain an irreconcilable attitude, and in the Jazirah a wedge has been driven between Syria and Iraq by the settlement of non-Arab refugees. Serious as the minorities problems are in Middle and Northern Syria, however, their gravity and the violence of Arab reaction are much less than those raised by the mass immigration of Jews into Palestine to form the Jewish National Home foreshadowed in the Balfour Declaration of 1917.

THE ARABS

To this policy Arab opposition has been unrelenting, not only in Palestine, but throughout the Arab world and not least in Iraq. Not that the Arabs of Asia are 'anti-Semite' (as is sometimes grotesquely said), though there is a real danger that the local antagonism engendered in Palestine between Jew and Arab may spread to the other Arab countries. They would probably still agree to the establishment of a Jewish National Home—as Faysal agreed to it provisionally in 1919—if they could be certain that it would not impede the political and economic development of the Arab world. But there is widespread fear of Jewish economic penetration and the power of Jewish finance, and this fear reinforces their determination to frustrate any design to set up a Zionist State in Palestine. For the Arabs are firmly convinced that the Arab countries are destined to unite together sooner or later, and that a united Arab State was in fact promised by the British and French Governments in 1916; and, believing this, they cannot afford to see a foreign State set up in the strategic link between Arab Asia and Egypt, especially when they fear that, under pressure from European refugees, the policy of that State would be an expansionist one. And if it may be truly said that they underrate the vital and spiritual driving force of Zionism, the chances of reaching a peaceful solution of the problem have been sadly diminished by delay, timidity, and prejudice in the handling of it. For nearly twenty years bitter feelings, made more bitter by the repression of repeated risings and

THE ARABS

disturbances, were allowed to grow almost unchecked. Only with the issue of the 'White Paper' of April 1939 have the foundations been laid of a stable policy which may serve to reconcile the local interests of both Jew and Arab, pending a settlement which will embrace the whole or the greater part of Arab Asia.

The fourth Syrian State, Transjordan, is an improvised creation of the British Colonial Office, dating from 1922. Transjordan is the meeting-place of Syria and the Arabian desert, and oscillates from the one to the other according to the general state of affairs in the Near East. Almost wholly nomadic a few years ago, it has made, under the Amir Abdullah, considerable progress in settlement, security, and education, but it obviously cannot remain an independent unit in perpetuity.

It was only in the nineteen-twenties that the chronic internal rivalries and tribal feuds of Arabia proper were supplanted by a single State, embracing the whole peninsula excepting its southern and south-eastern fringes. This was the work of one man, Abdul-Aziz Ibn Sa'ud, the restorer of the Wahhabi power (see p. 8). Unification was attained by military conquest, which involved the expulsion in 1924-5 of the rival power of the Sharifs of Mecca, known as the Hashimids. An unfortunate consequence of this episode was to strain still further relations between the Sa'udi kingdom and Iraq and Transjordan, in both of which the ruling family is Hashimid. Open hostilities between them were averted only by the good

THE ARABS

offices of their common ally, Great Britain, and at length, in 1934, Iraq and Sa'udi Arabia entered into a pact of Arab Brotherhood, to which the Yemen was subsequently admitted.

Meanwhile King Ibn Sa'ud has supplemented military unification by extensive schemes for settling the Bedouin tribes and raising the economic level of the country. This arduous and ungrateful task has recently been rewarded by the exploitation of oil in the north-western and Red Sea regions, which provides the Sa'udi State with much-needed resources.

The success which Ibn Sa'ud has achieved by his own efforts and with the minimum of external support, along with his vigorous championship of Islam and the Arab cause, have gained for him the universal esteem and affection of Arabs and Moslems. No more outstanding figure has appeared in the Arab world for many centuries. Mirror and exemplar of all the Arab virtues, it is not surprising that the Arabs should see reincarnated in him the spirit of those knightly and humane Arab leaders who founded the Arab Empire, and should be inspired by him to enthusiastic hopes for the future.

In the south-west corner of Arabia, in the monsoon-watered highlands of the Yemen and its adjacent Red Sea coasts, survives in medieval obscurity and isolation the State ruled by the Imams of the Zaydi sect of the Shi'a. On the other side of the peninsula, Oman and part of the southern coast acknowledge the authority of the Sultan of Mascat,

of the once heretical but now almost orthodox Kharijite sect (see p. 11). Between the Yemen and Oman, in the Aden and Hadhramaut Protectorates, as well as along the Arabian coast of the Persian Gulf up to the islands of Bahrain, and at Kuwait on the borders of Iraq, a multitude of ancient ruling houses, whose heads bear the title of Sultan or Shaykh, recalls the former mosaic of Arabian political life, except that all now live in mutual peace under British protection.

V. The Maghreb

Passing over the thinly populated and mainly desert provinces of Cyrenaica and Tripoli, whose Arab population has declined still more since Italian colonization succeeded to Turkish neglect, we reach the three French-controlled regions of Tunisia, Algeria, and Morocco, collectively called the *Maghreb*. For all their apparent unity on the map, they present a number of complex problems. The small province of Tunisia, with a mainly Arab population, never wholly lost the traditions of Arab culture, and has rapidly and deeply absorbed the spirit of the Arab renaissance. Algeria, with an Arabicized Berber and formerly nomadic population, owes its political unity and its economic and cultural regeneration entirely to the French. Morocco has a long history of independence, with a Sultanate ruling over a relatively small proportion of sedentary Arab and Arabicized tribes, and endeavouring, without much success, to maintain its authority over the refractory Arab and Berber

tribes in the Northern 'Rif' and the Berbers of the Atlas ranges in the centre and south.

French policy has followed divergent lines in the three countries. In Algeria, governed as an integral part of France, extensive colonization, accompanied by attempts to assimilate the Moslems, has led to frequent clashes not only between the colonists and the Moslems but also between the colonists and the Home Government. In Tunisia the protectorate originally established in 1882 has become more and more a threadbare cloak for direct administration, at the expense of the former native officials. In Morocco a supple policy has dictated the maintenance of the Sultan's administration, while at the same time endeavouring to conciliate and assimilate the Berbers.

One effect of this divergence has been to force local objectives upon the local Nationalist movements. In Tunisia and Morocco their first aim is to set up modern constitutional States under the present ruling houses. In Algeria, one group is concerned chiefly with internal religious reform and unification, and another demands Algerian independence. But in spite of private rivalries the leading Nationalist parties have parallel programmes, culminating in a restored and unified Arabic culture in a united Maghreb, linked to its Arab brethren in the Eastern Mediterranean.

The realization of this ideal is, however, faced with immense obstacles, apart altogether from the firm refusal of the French Government to abandon its control, and the complication introduced by the

Spanish Protectorate in Northern Morocco. While the Arabicized Berbers accept the Arab programme, the lack of political experience amongst the Nationalists would certainly provoke a conflict with the warlike and restless Berber tribes of the Atlas and other mountain zones. The general level of culture is still very low, and the small middle classes and cultured *élites* of the scattered cities are not large enough to carry the weight of a modern political organization. The economic resources of this region are almost wholly in foreign hands, and there is neither economic skill nor capital available to take them over and exploit them, except under foreign control. Above all, the old-established, well-organized, and highly race-conscious body of French colonists could not be expected to surrender their present privileges without a struggle; and even if the interests of Frenchmen and *indigènes* should be reconciled, many difficult problems of mutual adjustment would still have to be faced in the ensuing period of transition.

VI. Arab Nationalism

From this survey, brief and generalized as it must be, we return to the point at which section I broke off. Gone is the lethargy, the political apathy, the calm acceptance of good and evil as the Will of God. From end to end the Arab world is in travail. Western agencies, collaborating with new forces within, have transformed or are transforming the Arab lands into modern States; their peoples, driven

from their old moorings, anxiously ask whither they are steering. Their Arab self-consciousness is aroused and expectant, and their intellectual leaders are struggling to define the political and cultural ideals of the Arabs in the modern world.

Like all other forms of Nationalism, Arab Nationalism is based upon a community of sentiment. The general content of that sentiment has been indicated in the first section: pride in the historic mission of Islam, in the achievement of the Arab Empire, and in the cultural tradition enshrined in Arabic literature, together with envy of the material supremacy of the West and resentment at its assumption of moral superiority. These feelings are almost universal amongst Arabs in all countries, and it is both false and dangerous to assume that they are not shared by the 'illiterate peasantry'.

Bearing in mind that at the outset nationalism in the Moslem world was religious rather than racial, these ideas and reactions dictated of themselves its first objectives: the driving out of the 'Franks', the reconstitution of the Islamic Empire of the early Caliphs, and the reassertion before the world of the spiritual and moral values of Islam. The first modification came when Turkish and Iranian nationalism disrupted the pan-Islamic ideal, and drove the Arab Nationalists to adopt a pan-Arab ideal instead. But this involved only a slight re-adjustment of the second objective, which now became the restoration of such an Arab Empire as the Caliphs of Damascus had ruled over in the seventh and eighth centuries (excluding Iran, of

course; but some romantic spirits even dreamed of regaining Cordova and Granada). And down to the present day this mirage still floats before the vision of the more simple-minded Nationalists.

In recent years, however, a more realistic perception of political and economic facts, a clearer understanding of the processes of history, and a more profound evaluation of Western cultural ideals has begun to show itself amongst Arab statesmen and intellectuals. To take the last point first, the naïve and uncritical 'Frankicism' of some earlier reformers has practically disappeared, and among the younger generation there is considerable respect for the Islamic tradition, both in itself and as a vital element in the national consciousness. On the other hand, the uncritical rejection of all that the West stands for is also disappearing, except amongst some conservative professional theologians and the ignorant masses. All enlightened Moslems are trying to steer a middle course, described as 'selecting the best elements from both the East and the West'. By this they mean the effort to cut away the dead wood of medieval tradition, and at the same time to protect the Moslem world from the destructive forces in Western civilization. From them there will come in due time the formulation of the new ideals of Arabic culture, but that time is not yet.

There is, however, a growing conviction that the historic basis of Arab Nationalism is no longer sufficient. Common memories and common pride in the past will always have their place. The Arabs

can never make a clean breach with the past as the Turks have done, unless under pressure of some terrible national calamity. And Islam is so much a part of that past that the Arab ideal can never be fully dissociated from it. But the past by itself is bound up with the historic causes of separatism, and to overstress the religious ties alienates Shi'ites and Christians, amongst whom are many of the most fervent Nationalists. Besides, as the new societies develop in the Arab lands, with their many interests in the world around them, the past loses some of the intensity of its emotional appeal. If Arab Nationalism is to overcome its present elements of weakness, to discipline the native individualism of the Arab and to transform the 'cluster' into an organic unity, it must look to the future no less than to the past and plan accordingly.

The experience of the last quarter of a century has shown very clearly that the division of the Arab world into a number of small and individually weak States is a standing offence to Arab feeling. But it is equally clear that wider unity, whether by merger or federation, must be achieved on a regional basis. Though each Arab country, as we have seen, has its own inner problems of unity, stability, and economic reconstruction, many of these can be met only by planning on a wide scale, and by an outlook which transcends the petty issues of local politics. The mutual interest of neighbouring countries in removing possible causes of conflict has brought some progress in co-operation

THE ARABS

(see p. 24), and it is probable that further efforts will be made on these lines. But, if Arab history is any guide, the final achievement of unity will not be a gradual, but a cataclysmic process.

It must always be remembered that the Arabs of to-day are very different from the Arabs of 1915. What they have achieved in the intervening years would be incredible to those who have not been warned by their past history how swift is their response to changing circumstances and how sudden their political development. Nevertheless, in the conditions of the modern world, and especially in view of the long period which will be required for the rebuilding of their economic structure, even the strongest union of Arab countries which can be envisaged would scarcely be strong enough to stand entirely on its own feet. Some form of association with the Western world would seem to be indispensable for their continued political and economic progress. The more far-sighted and responsible of Arab statesmen have always accepted this as a political necessity. But they are determined that it shall not be an association between master and subject on the political plane, nor of exploitation and gearing-in to a more powerful economic machine on the economic side.

The task which this imposes upon both Arab and Western leaders is one to test their powers of statesmanship. As the Arab world continues to evolve towards a regrouping of its political forces and the rebuilding of its inner life, constant re-adjustment will be called for in its relations with

THE ARABS

the Western world. The old feud still rankles, but a stable friendship and co-operation between them can be achieved at long last if each steadfastly respects the interests and the moral status of the other.

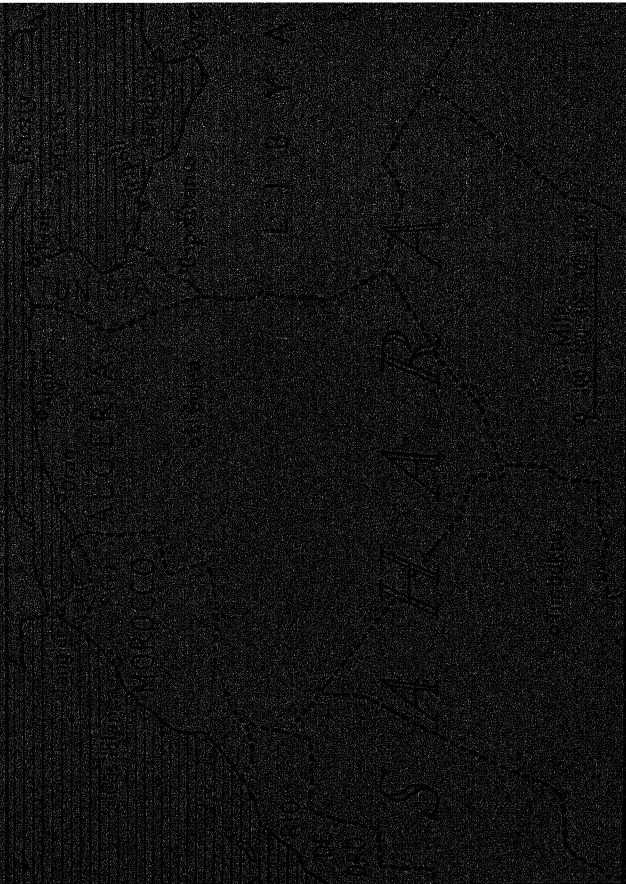
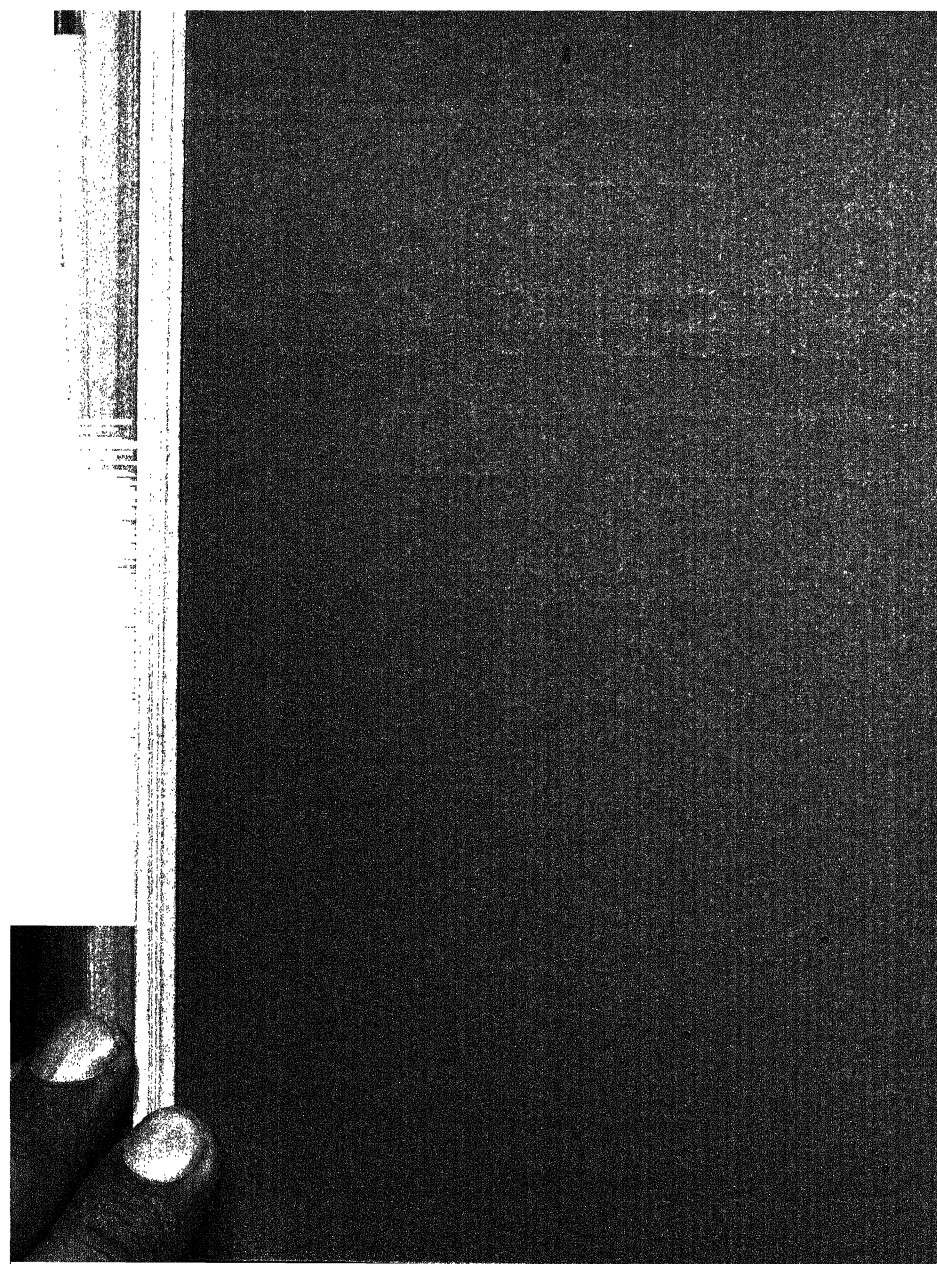


CHART OF THE ATLANTIC OCEAN



OXFORD PAMPHLETS ON WORLD AFFAIRS

No. 41

THE ORIGINS OF THE WAR

BY

E. L. WOODWARD

OXFORD

AT THE CLARENDON PRESS

1940

K. RAHADEVAN BOOKSELLER, MYLAPORE.

IN this Pamphlet Mr. Woodward first describes the immediate events leading up to the outbreak of war: Hitler's demands on Poland, and their rejection, the familiar German 'drum-fire of lies and calumnies' against the intended victim, the failure of the British attempt to hold open the door to negotiation.

Next he traces the history of international relations in Europe during the years between Hitler's rise to power in 1933 and Munich. These years 'will be a warning to future generations about the difficulties in the way of giving form and force to the peaceful desires of the majority against the stark and unscrupulous threats of a minority of the world's inhabitants'.

Finally he turns to the deeper causes of the war, the hostilities of certain dominant tendencies in German thought to the liberal, humanitarian philosophy and way of life of Western civilization. 'National Socialism inherited an evil tradition. Unless this tradition is understood, it is impossible to realize the deeper causes working towards war in Germany.'

Mr. Woodward is a Fellow of All Souls College, Oxford, who has specialized in the study of modern European history. His two best-known books are his volume in the *Oxford History of England* entitled *The Age of Reform (1815-1870)* and *Great Britain and the German Navy*.

FIRST PUBLISHED 5 DECEMBER 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

THE ORIGINS OF THE WAR

THE immediate cause of the war was the German attack on Poland. A German war of aggression against the Polish people meant a German war against Great Britain and France, since these two Powers had promised to come to the aid of Poland 'in the event of any action which clearly threatened Polish independence, and which the Polish Government accordingly considered it vital to resist with their national forces'.¹

Hitler and his associates knew, and accepted, the consequences of their attack upon Polish independence. It seems possible, indeed, that Hitler, deluded by Ribbentrop, believed that, if the Germans could overrun Poland quickly by sheer weight of numbers and terrorism, Great Britain and France would then accept accomplished facts and allow Germany, with Russia as her accomplice, to enslave the Poles as she had already enslaved the Czechs. Hitler may well have believed Ribbentrop, since the National Socialist theory of State approved of acts of bad faith in international relations, and the Führer himself had broken treaty after treaty. Nevertheless, the German leaders were ready to fight Great Britain and France. Ten days before the outbreak of war Hitler said to Sir Nevile Henderson that 'he was fifty years old; he preferred war now to when he would be fifty-five or sixty'.²

¹ The Prime Minister in the House of Commons, 31 March 1939. This British guarantee was reaffirmed in the Anglo-Polish agreement of 25 August 1939. The French already had treaties with Poland—notably the Franco-Polish Political Agreement of 1921, and the Franco-Polish treaty signed at Locarno in 1925.

² British Blue Book: *Documents concerning German-Polish*

More than half a century earlier Moltke had written of the war fought by Prussia against Austria in these words: 'The war of 1886 did not take place because Prussia was threatened, or in obedience to public opinion, or to the will of the people. It was a war long foreseen, prepared with deliberation, and recognised as necessary by the Cabinet, not in order to obtain territorial aggrandisement, but in order to secure the establishment of Prussian hegemony in Germany.' Germans recur, and there is a grim sameness about their history and their ideas. It is therefore important to look beyond the questions of Danzig and the Polish Corridor in order to understand why German military force and German terrorism were loosed again in Europe in 1939.

At the same time, in a matter of such terrible gravity for all civilized peoples the immediate occasion of the war deserves study no less than the deeper causes. Moreover, the events leading up to the outbreak of hostilities throw much light on these deeper causes. Throughout the summer of 1939 Germans and German diplomacy were true to type.

I. The Immediate Cause. Danzig and the Corridor

The prelude to the war came in March 1939. In this month Hitler added to his previous breaches of faith by the occupation of Prague and the suppression of the last remains of Czech independence. The next stage in German aggression against weaker States seemed likely to be an attack on Poland. Hitler had signed, in 1934, a ten years' agreement

relations and the outbreak of hostilities between Great Britain and Germany on September 3, 1939 (Cmd. 6106), p. 100.

with Poland. He had said to the Reichstag, in 1936, that it would be 'unreasonable and impossible' to deny Poland 'any outlet to the sea at all'. He had declared, in 1938, that, after the settlement of the Sudeten question, Germany had no more territorial demands in Europe. In the spring of 1939, however, it had become evident that Hitler's promises merely indicated the direction of his next act of treachery. In order to make it clear beyond doubt that Great Britain and France, now disillusioned of their hopes of European 'appeasement', intended to resist further aggression by Germany, these two Powers gave their pledge of assistance to Poland. The two western democracies hoped that this pledge would be followed by a league of all peacefully-minded European States to preserve Europe from reversion to the law of the jungle. They looked, as it turned out in vain, for the support of the U.S.S.R. in this endeavour.

Before they received a promise of help from the British and French Governments that they would defend Poland, the Poles had already rejected demands made by Hitler for the return of Danzig to the Reich and the grant of a wide zone across the Polish Corridor which would allow the construction of a military road and railway. It is necessary to be clear on this point. Why did the Poles refuse these demands? The answer reveals at once the deeper causes of the war: the impossibility of trusting Germany. If the return of Danzig to the Reich had been the sole question at issue, if the creation of 'a corridor across the corridor' had been merely a matter of economic convenience, or even of political sentiment, these concessions might have been

granted. The Poles knew, the Germans knew, and the world knew, from previous experience, that such concessions were the first stage, for Poland, on the road down which the Czechs had been compelled to travel to their destruction. Hitler had made no secret of his eastern aims. They could be read in *Mein Kampf*. Not a single word had been retracted. Russia might be strong enough and far enough away to resist these eastern plans. Poland, deprived of her main strategic positions, surrounded and strangled by Germany, cut off from the sea by a military line defended with all the force Germany could command, would be at the mercy of German ambitions. In any case Ribbentrop let it be known, during his visit to Warsaw in January 1939, that the political implication of acceptance of the German requests would be the close alinement of Polish foreign policy with that of the Reich. Hence the Poles rejected the German demands, and rejected them before they were sure of an Anglo-French guarantee. It would be idle talk to suggest that, if they cared for their independence, their very existence as a nation, they could have done otherwise than reject these demands.

The German answer was to denounce the ten years' agreement with Poland. In other words, Hitler showed that the Poles were right in their suspicions. Henceforward the danger of war was immediate. The British and French Governments, with the British Government in the lead, did their utmost to ease the strain, while the Germans took every step possible to aggravate the tension and to intensify anti-Polish feeling in Germany. The German press invented story after story of 'atro-

cities' against Germans in Poland. The Germans saw openly to the defence of Danzig, and treated the Free City as a National Socialist stronghold. On Aug. 23 Ribbentrop, in Hitler's name, signed a non-aggression pact with the U.S.S.R. An agreement with the U.S.S.R. conflicted, nominally, with almost every important statement of policy which Hitler had made before and after his rise to power. There was, however, no inner conflict. Words, to Hitler, were counters; his promises or pledges of non-aggression would be kept as long as, and no longer than, it suited German convenience to keep them. For the moment, an agreement with Communist Russia was necessary because the German army command wished to avoid the risk of war on two fronts.

Hitler made a second move. He offered an Anglo-German understanding on condition that he had his way in Poland. The offer was made in curious language. Hitler told Sir Nevile Henderson that he was 'a man of great decisions. He accepted the British Empire, and was ready to pledge himself personally for its continued existence and to place the power of the German Reich at its disposal',¹ if his conditions were fulfilled. The British reply was plain. 'The German Government will be aware that His Majesty's Government have obligations to Poland by which they are bound and which they intend to honour. They could not, for any advantage offered to Great Britain, acquiesce in a settlement which put in jeopardy the independence of a State to whom they have given their guarantee.'²

¹ British Blue Book, p. 121 (25 Aug. 1939).

² Ibid., p. 126 (28 Aug.).

The British Proposal for Direct Negotiations

In spite of the German preparations for immediate war, the British Government still tried to find a solution which would satisfy Hitler's *amour-propre* and, at the same time, preserve the existence of Poland. They suggested 'the initiation of direct discussions between the German and Polish Governments on a basis which would include . . . the safeguarding of Poland's essential interests and the securing of the settlement by an international guarantee'.¹ They found no difficulties on the Polish side. The Poles well knew what the ordeal of war might mean to them; they were ready to go as far as they could go towards placating the Germans without putting themselves in the terrible position of the Czechs after Munich. Hence the Polish Government agreed to the principle of direct negotiations, obviously on condition that these negotiations were real, and that the Polish representatives were not treated like President Hacha of Czechoslovakia, and compelled to give way to German force.

The British proposal put Hitler in a difficulty. His method of eluding this difficulty illuminates the deeper reasons for the outbreak of the war. The British plan aimed at the removal of grievances by peaceful negotiation. The plan implied that each side should state its case; that all grievances of Poles against Germans and Germans against Poles should be examined impartially and quietly at a conference table, and that the negotiating parties were genuinely anxious to avoid war. The Poles certainly, as the weaker party, did not want war,

¹ British Blue Book, p. 127 (28 Aug. 1939).

but the Germans had already decided on war, and upon the annihilation of Poland as an independent State. If they came to a conference, and rejected every peaceful solution put before them, if they allowed the Poles to expose the hollowness of the German case, and the deliberate manufacture of 'incidents' and 'atrocities', they destroyed every pretext for going to war. If, on the other hand, they refused outright to hold any discussion with the Poles, again they showed themselves the aggressors.

Hitler attacks Poland

Hence, with war, not peace, in their hearts, the German leaders could neither easily accept nor easily reject the British plan. Hitler chose a way of escape which deceived no one (outside Germany) at the time, and will not deceive posterity. He accepted the British proposal and, at the same time, added conditions to his acceptance which destroyed all chance of peaceful and reasonable negotiation. His answer was given on the evening of 29 August 1939. He demanded the arrival in Berlin, on the following day (30 August), of a Polish representative with full powers. In other words, the Polish representative would be given the German terms, and, without referring them to the Polish Government, would have to accept or reject them forthwith. The Polish Government would have to send their representative without knowing what terms would be put in front of him for his immediate acceptance. There were to be no free negotiations, no exchange of views, no examination of the truth of German allegations. The sinister drama which Hitler had

played with the Austrians and with the Czechs would be repeated.

The British Ambassador told Hitler and Ribbentrop that their demand sounded like an ultimatum. The British Government regarded the demand for the immediate arrival of a Polish plenipotentiary as 'wholly unreasonable',¹ and suggested that the German Government should follow the normal procedure of handing their proposals, when ready, to the Polish Ambassador for transmission to Warsaw, and of inviting suggestions about the conduct of the negotiations. Sir Nevile Henderson put this plan to Ribbentrop on 30 Aug., but 'in the most violent terms Herr von Ribbentrop said that he would never ask the Polish Ambassador to visit him. He hinted that if the Polish Ambassador asked him for an interview it might be different.'² Ribbentrop refused to give the British Ambassador a copy of the terms upon which Germany insisted, although the German Government had promised, if possible, to submit their proposals to the British Government before the arrival of the Polish plenipotentiary. The terms were merely read out in German 'at top speed'³ to Sir Nevile Henderson, and Ribbentrop said that it was 'too late'⁴ to hand over a copy of the text, since the Polish plenipotentiary had not arrived within the time limit laid down by Hitler.

Meanwhile the Polish Government instructed their Ambassador to seek an interview at the German Foreign Office in order to confirm the Polish acceptance of the British plan. The Polish Ambassador called on Ribbentrop at 6.30 p.m. on 31

¹ British Blue Book, p. 142.

³ Ibid., p. 145.

² Ibid., p. 146.

⁴ Ibid., p. 146.

August. He was told that unless he had come with full powers to accept the German proposals (which had not yet been told to the Polish Government or to the Ambassador) his visit was useless.

The visit was indeed useless. The German travesty of the British plan had served its flimsy purpose.¹ All preparations were complete, and on 1 September German troops crossed the Polish frontier, and German aeroplanes began the bombardment of Polish towns, while Hitler announced the reunion of Danzig to the Reich. The British and French Governments sent a warning note to Germany that they would fulfil their obligations to Poland unless the Germans suspended 'all aggressive action' against Poland, and were prepared 'promptly to withdraw their forces from Polish territory'.²

There remained one faint hope of preventing a European war. On 31 August Mussolini had suggested to the British and French Governments a plan for a Five-Power Conference. The plan, in accordance with the obvious wishes of Mussolini's

¹ The last, and almost ludicrous, feature in this German make-believe was an assertion, in November 1939, that, in order to lead the Germans into a war which Great Britain had planned for the destruction of the Reich, the British Government deliberately deceived the German Government in saying that the Poles had given their consent to direct Polish-German negotiations. It is difficult to understand why, if the British Government had wished for war, they should have urged these direct negotiations upon Poland and Germany alike. In any case, the facts speak for themselves. In addition to the evidence in the British Blue Book, the British Government subsequently published the telegram giving the Polish consent. In the German White Book (December, 1939) on the origins of the war this telegram is ignored, and in the preface to the book (signed by Ribbentrop) the charge is again repeated.

² British Blue Book, p. 168 (1 Sept.).

German partner, envisaged as a preliminary condition the surrender of Danzig. The British Government refused to agree that the Poles should be compelled to give way in advance on one of the main points which the Conference would meet to discuss. Then followed the opening of the German attack in all its ferocity. On 2 September the Italian Government again approached both the British and the French Governments. The British and French Governments pointed out that, before any conference could meet, the Germans must cease from attacking Poland, and withdraw their armies from Polish soil. A conference between the aggressor and the two western allies of Poland, while the German armies were advancing rapidly across the country they intended to conquer, would have suited Hitler well. A conference on the terms suggested by Great Britain, and supported by France, would have prevented the German occupation of Poland. Hence the Germans were bound to pay no attention to it; they continued without respite their invasion and their bombardment of Polish towns while the Italian proposals were under discussion.

On the morning of 3 September Great Britain and France sent an ultimatum to the German Government to the effect that, unless the conditions laid down in the warning notes of 1 September were given effect, the two Governments would be at war with Germany in fulfilment of their pledges to Poland. Before nightfall the second war between Germany and the two western democracies had begun.¹

¹ The British ultimatum was delivered at 9.0 a.m. and expired

II. The Troubled Years : 1933-1939

Such, in outline, were the immediate causes of the war. The details of the exchange of diplomatic correspondence can be read in the British Blue Book and in the publications of the French and Polish Governments. Two facts stand out: German bad faith, and German aggression. These two facts had become increasingly clear in the European horizon ever since Hitler attained the German Chancellorship at the end of January 1933. It is always dangerous, in the light of an after-knowledge of events, to deduce a chain of inevitability from past to present. The leaders of the democratic States were not altogether foolish in regarding Hitler at first as a somewhat doubtful figure; an adventurer who knew how to exploit his 'nuisance value', but who appeared, in these early days, to be making a great deal of noise over a number of minor successes, but not always to be speaking his real mind when he mouthed phrases about war, or always telling lies when he spoke of peaceful intentions.

Nevertheless, the six years and a half between Hitler's accession to power and the outbreak of war in 1939 will be a warning to future generations about the difficulties in the way of giving form and force to the peaceful desires of the majority against the stark and unscrupulous threats of a minority of the world's inhabitants. It is not easy to say when the cause of peace was finally lost. Germany had already left the Disarmament Conference before Hitler became Chancellor of the Reich. She had at 11.0 a.m. (British Summer Time). The French ultimatum expired at 5.0 p.m.

agreed to return under a formula adopted after much discussion, which recognized her 'equality of status in a system which would provide security for all nations'. The British Government attempted to give this formula practical effect in a draft disarmament convention. While diplomatic discussions were taking place about the British plan, the bellicose speeches of National-Socialist leaders and their plain intention to rearm on land, on sea, and particularly in the air, destroyed the hope of finding a system which would provide security for all nations. The final withdrawal of Germany from the Conference in October 1933, and the simultaneous announcement of her withdrawal from the League of Nations¹ were followed by separate negotiations between the Powers concerned. Great Britain took part in and encouraged these negotiations, and tried to find means of allaying French fears and of setting a limit to Hitler's increasing demands. In March 1934 the publication of the German financial estimates for the coming year showed such enormous increases in military, naval, and air expenditure that the French Government refused to continue discussions which would have resulted in the diminution of French armaments. Once again the British Government attempted to bring about a general settlement. Negotiations were opened for an Eastern Pact on the general lines of the Locarno agreements, and, in the early part of 1935, for an Air Pact. These negotiations

¹ According to the terms of the Covenant, two years' notice was required before the withdrawal became effective. Germany took no direct part in the political deliberations or acts of the League after October 1933.

continued until March 1936.¹ The failure to reach agreement was, again, almost entirely the fault of Hitler.

Germany denounces Locarno

The denunciation of the Locarno Treaty and the remilitarization of the Rhineland in March 1936 thus came at the end, or rather at the end of the first stage, of a long series of Hitler's acts of bad faith. The Locarno agreements had not been 'dictated' to Germany; she had entered into them of her own free will and had affirmed, more than once, her intention to respect them. The excuse for breaking faith was worthless. The Germans complained that the Franco-Soviet Treaty was itself a breach of the Locarno Treaty. This view was not shared by the British, French, Italian, and Belgian Governments. The Germans had given their consent to bilateral agreements between States which would come into a general eastern pact, and it was common knowledge that these bilateral agreements would include a Franco-Soviet Pact. Finally, if the Germans had any grounds of complaint, they were under obligation to bring them before the Permanent Court of International Justice at The Hague.

In spite of the accumulation of evidence that Germany could not be trusted, and in spite of the increasing tempo of German rearmament, the western Powers were unwilling to fight a preventive war. It is outside the province of this inquiry into

¹ A series of diplomatic documents recording the exchanges of views between the Powers on the subject of these Pacts was published in a British Blue Book: *Correspondence showing the course of certain Diplomatic Discussions directed towards securing an European Settlement, June, 1934 to March, 1936* (Cmd. 5143).

the causes of the present war to ask or answer the question whether a war on behalf of the maintenance of a treaty freely negotiated could be described as a preventive war. The German General Staff were afraid that they might have to meet armed resistance, and Hitler's move was undertaken against their advice. Hitler took the precaution of making, at the same time, a grand and far-reaching offer in which he asserted that Germany was ready to come back to the League of Nations, on the assumption that the Covenant of the League would be separated from the Treaty of Versailles, and that Germany's 'equality of rights' was recognized in the colonial sphere.

The German plan was discussed by the representatives of the Locarno Powers at a meeting held in Geneva in April 1936. It was agreed that, although the German offer did nothing to restore confidence in the willingness of Germany to respect new treaties any more than she had respected the Locarno agreements, full consideration ought to be given to any proposals for conciliation. The British Government was asked to put a number of questions to the German Government on points in the German plan which appeared vague and uncertain. A questionnaire was given to the German Government on 7 May.¹ No reply to this questionnaire was ever received,² while German policy continued to develop on lines opposed to European concilia-

¹ This questionnaire was published as a White Paper (Cmd. 5175 of 1936).

² In his speech of January 1937 Hitler had the impudence to say that 'it was not possible for the German Government, for reasons which the British Government will appreciate, to reply to those questions'.

tion and to co-operation in the maintenance of international law and order. Italy and Japan had broken the Covenant of the League. Germany sought their company. The Rome-Berlin Axis was proclaimed on 1 November 1936. Three weeks later Germany and Japan signed the so-called 'Anti-Comintern' Pact. Germany and Italy used the Spanish Civil War, which broke out in July 1936, as an opportunity for increasing their military and political influence and for testing new armaments and new methods of war; German military aeroplanes, for example, flew to Spanish Morocco within three days of the outbreak of fighting.

German Preparations for War

Thus the year 1937 brought no relief. In January Hitler made what was becoming his usual speech about German good intentions. 'The period of so-called surprises has come to an end. Germany is more conscious than ever that she has a European task before her, which is to collaborate loyally in getting rid of those problems that are a cause of anxiety to ourselves and also to the nations.' In fact, throughout this year, the Germans worked steadily to secure themselves against any risks which might be involved in their next acts of bad faith. They devoted their resources and their industry—at the expense of the standard of living of German workpeople, and with reckless disregard of economic consequences—to the manufacture of material of war. They were thus responsible for a new and intense 'armaments race', in which, for internal reasons, Great Britain and France began all too slowly to make up the leeway they had lost. In

spite of this atmosphere of increasing calamity the British Government refused to give up all belief in the possibility of 'appeasement' (a term which, in its French equivalent, had been used of European reconciliation during more hopeful years). British policy, as shown, for example, in the visit of Lord Halifax to Berlin in November 1937, continued to ignore German expressions of petulance and bad manners, and to test the sincerity of Hitler's talk of peace by asking what Germany really wanted as the conditions of a final settlement. These attempts were as unsuccessful as all such attempts since the rise of National Socialism to power.

Munich

The last phase opened with the occupation and annexation of Austria in 1938. This act secured the military and economic encirclement of Czechoslovakia, and led directly to the crisis which ended, temporarily, with the Munich agreement. It was clear, within a few weeks, that Hitler's talk of peace at Munich was merely a continuation of his treachery. This immediate evidence of German bad faith caused an outburst of anger in the democratic countries, notably in Great Britain, against the Governments which had trusted Hitler's word and, consequently, sacrificed the Czechs to German terrorism. The argument may be left to posterity. One set of observers may consider that—to the last—the responsible leaders of Great Britain and France were right in thinking that Hitler must be taken at his word, and given a final opportunity of turning his undisciplined mind towards order and quiet. The chances of a return to sanity might be

slight, but upon these chances rested the one hope of saving not only the Czechs but the whole world from the infinite horrors of war. Another set of observers may sum up their judgement of Munich in the terms of the old proverb 'God builds the nest of the blind bird'; in other words, Great Britain and France, in assuming Hitler wanted a peaceful settlement, did in fact deprive him of an occasion for making war against the Czechs and the western Powers at a time when the armaments of Great Britain (and, for that matter, of the U.S.S.R.) were at their weakest, especially in the air, in comparison with the armies and the air force of Germany.

In any case, from the point of view of the origins of the present war, the enlightenment or moral strength of the democratic protagonists at Munich are of little relevance. War was not averted; it was merely postponed. Hitler's promises meant nothing to him. Henceforward they could mean nothing to those to whom they were addressed. No one could trust any promise made by the German Government in the name of the German people. Nevertheless, Hitler remained the most admired, the most popular figure in Germany. There could be no doubt that the German people would obey his orders, and also no doubt that he intended to lead them from violence to violence until the whole crazy notion of the hegemony of a chosen Germanic race had been realized throughout the world. Thousands upon thousands of Germans might indeed be Hitler's unwilling slaves, dragooned and terrorized by their own fellow countrymen; but those who secretly opposed Hitler would obey his

orders. The majority would obey willingly. They would obey Hitler because they wanted what Hitler wanted. In words spoken of the blind and doomed house of Bourbon after the French Revolution, they 'had learned nothing and forgotten nothing' since 1914. The tale of their infatuation indeed goes back many years earlier. In 1895 the socialist Bebel, watching a crowd in Berlin as it cheered a regiment of soldiers passing under the Brandenburg gate, had said of the Germans: 'The people is still drunk with victory.' National Socialism inherited an evil tradition. Unless this tradition is understood, it is impossible to realize the deeper causes working towards war in Germany.

. III. The Deeper Causes

The world, and particularly the English-speaking world, has been too ready to assume that National Socialism is a freakish thing, an accident of personalities, a sudden new turn in German history; that the views held and put into practice by Hitler, Göring, and their unpleasant company are views which do not reach back into the German past. It has also been suggested that Hitlerism is a special and peculiar reaction, of a virulent pathological kind, to the harsh treatment of Germany after the War of 1914-18 and to the exceptional sufferings of Germans during the period of currency inflation and again during the economic crisis which began at the end of 1929.

It is true that the Germans suffered hardly from the effects of the War, though it might well be said that the sufferings of France, taken all in all, were more severe. There was indeed a certain historical

justice in the penalty paid by Germany, since Germans, far more than any other people, were responsible for the outbreak of war in 1914. It is also true that the terms of the Treaty of Versailles were in some respects too severe (notably on the financial side), just as in other respects these terms were unpractical and doctrinaire. Here again there has been a certain historical irony about German complaints. Before their own defeat in arms (and of this defeat there can be no question, in spite of the German legend of a 'stab in the back') the Germans had imposed upon Russia and Rumania far harsher terms than those laid down at Versailles.¹ To the last, also, the leaders of German industrial and intellectual life, with few exceptions, had shouted for the imposition of terms on the western Powers which would have been more stringent in every respect—including financial conditions and the surrender of territory—than the terms which the victors imposed upon Germany. It is true, again, that the terms of Versailles were imposed, dictated, just as Germany had dictated terms at Brest-Litovsk. It would be difficult to find any peace treaty, after a great war ending in a decisive victory for one side, which was not imposed against the wishes of the defeated parties. It is also impossible to suppose that any settlement which restored North Slesvig to Denmark and Alsace-Lorraine to France, and which revived the political liberty and independence of 'submerged' peoples like the Czechs or the Poles, would ever have been carried into effect if it had not been imposed upon Germany.

¹ See Oxford Pamphlets 6, *The Treaty of Versailles*; 14, *The Treaty of Brest-Litovsk*; 35, *Was Germany Defeated in 1918?*

The rise of Hitlerism was not due to the Treaty of Versailles, but to the military defeat of Germany. After the last war opinion in Great Britain and the United States, and, to a lesser extent, in France assumed that the fall of the Imperial régime implied a complete change of heart among Germans, and that, henceforward, militarism was broken in Germany, and that the Germans would never allow this militarism to be revived. The history of the Weimar Republic shows that these hypotheses were, unfortunately, wrong. From the outset there was no fundamental change of view among the people as a whole, and, above all, among the bureaucracy and the governing class, in a country inclined by habit of mind and long usage to follow the lead and accept the views dictated by authority.

There was, in fact, no real revolution in Germany, in the sense that there had been a real revolution in France in the years following 1789, or in Russia after 1917. The republican leaders in the early days leaned upon the army to protect them from the small group of men who wanted real revolution. These leaders were Germans, trained to German ways of thought, brought up in a German tradition. In this tradition not war, but defeat in war, was 'evil'. The 'dictated' Treaty of Versailles was an outrage, not because the treaty was 'dictated'—no German was foolish enough to suppose that a victorious Germany would have argued about peace terms with a defeated Great Britain and France—but because the dictators were not Germans, and the dictation ended German rule over people who did not want this rule, and destroyed German dreams of continental and, perhaps, world hegemony.

Germans of all parties aimed at 'breaking the bonds of Versailles'. The dividing line came between those who looked to direct military action and a war of revenge, and those who hoped for the recovery of the old dominant position of Germany through a policy of 'fulfilment' of the treaty. The former party advocated defiance, the latter a temporary submission, combined with an attempt to prove to the victors that many clauses in the treaty were unworkable, or pressed unfairly upon German economic life, or—a less reputable plea—offended German pride and made it impossible for Germany to assert her armed strength. Gustav Stresemann was the best and ablest representative of the policy of 'fulfilment'; the Locarno agreements were, on the German side, largely his work. Stresemann was a man of his word. He was also a civilized man. He did not aim at war, but he was a strong nationalist. He wanted to restore to his fellow countrymen the proud position, the dominating position, which they had held in Europe before 1914. He thought that Germany could attain to this position without war. The trouble was that, from the point of view of other States, no one could foresee what use Germany would make of her power, once she had regained it. Frenchmen, in particular, looking at their resources and numbers in relation to those of Germany, felt that they were taking grave risks in assuming that German policy would always be directed by men who were ready to honour the Locarno agreements.

Stresemann won great victories for Germany. The fact that while he was obtaining concessions from the Allies he was fighting against militant

extremists at home showed the measure of political feeling in Germany, and, appeared to confirm the fears of France that the concessions made to Stresemann were being made, not to the more moderate party in Germany, but to those extremists who cared only for the restoration of German armed force. These militarists were powerful beyond their mere numbers owing to the influence which they enjoyed in high places, and to the political independence of the Reichswehr. It must be remembered, for example, that, from about 1920 until Hitler's accession to power, the Reichswehr had a secret working agreement with the U.S.S.R., according to which Germany sent to Russia yearly a number of officers to train the army of the U.S.S.R. and to gain for themselves experience in the use of weapons (tanks, heavy artillery, &c.) forbidden to the German army under the peace treaty.

After Stresemann's death in 1929, the fight of the moderates against the revival of militant nationalism in Germany was a losing one. It was indeed always something of a losing struggle because those who resisted the methods of the extremists were never wholly out of sympathy, and often very much in sympathy with the extremists' aims. The argument was one about means rather than about ends.

Even so, it is not impossible that common-sense—and common decency—might at last have found a hold among the German people if there had been no economic depression. The economic depression which spread to Europe from the United States affected Germany with great severity. These effects were due in part to the reckless methods of German

borrowing in the years before the depression, but the responsibility of Germans themselves for a great part of their own misfortunes did not lessen their self-pity. The habit of blaming everything upon the 'dictated' Treaty of Versailles had indeed given to this self-pity something of a pathological turn. Other countries were hard hit by the economic depression. It is probable that the amount of suffering was greater not merely absolutely but relatively in the United States than in Germany, but neither in the United States nor in Great Britain was there much disposition to lay the blame for this suffering on other people. The Germans, on the other hand, put the whole blame on the victors of 1918. In any case, there was no leader in Germany capable of suggesting a 'new deal' other than Adolf Hitler. To Hitler the economic depression was a superb opportunity. Thousands upon thousands of Germans accepted National Socialism because it offered them a simple diagnosis of their sufferings and a simple remedy. They would have been less likely to listen to their quack doctor if they had not heard something of the same patter from more reputable German physicians.

Why National Socialism appealed to Germany

It is often said that the German people never accepted National Socialism, but that National Socialism was forced upon them. The ballot figures of the elections before the electoral machinery fell into National Socialist hands (after this time voting figures were, of course, meaningless, and the Reichstag became, according to a familiar German 'subterranean' joke, 'the highest paid male chorus

in Europe') do not show a majority in favour of the National Socialists. It would, however, be a mistake to give these figures too much weight. The surrender of Hitler's political opponents, the quick successes obtained by National Socialist methods, were not due only to the political ineptitude of the parties of the opposition, or even to the gangster tactics adopted by Hitler and his entourage. Hitler's methods were well known long before he obtained power. His blank hostility to all forms of constitutional government and political liberty was also well known.

The active or passive acquiescence of vast numbers of Germans in National Socialism, the easy submission of all save a small and brave minority, are facts of deep historical significance. An attempt to explain these facts by talk about the 'docility' of the German people is at best only half an explanation, and at worst tautology. The Germans acquiesced in National Socialism because they could understand it. They could understand it because its appeal was typically and thoroughly German. They could understand it the more because it was expressed to them in crude and violent language, and embodied in a group of crude and violent men who represented, in an extravagant way, qualities of temper and a mental outlook firmly rooted in the German nation. This point has not been readily understood in Great Britain and the United States. Among the English-speaking nations Hitler and Göring have been recognized easily as pathological types, displaying their abnormality in every act, word, and gesture of their lives. To Germans Hitler is a heaven-born hero, and

Göring an admirable and 'jolly' kind of man. The speeches of these men—even their voices—grated on our ears long before Germany was at war with us. These harsh sounds have been music to the Germans. Hitler, who promised peace on German terms to his followers, is still, in spite of all, the demi-god. Göring, whose *Luftwaffe* was, by its mere existence, to enforce and guarantee this German peace, is still, in spite of all, a popular figure. Propaganda, skilfully conducted, has done much for this popularity of two psychical degenerates, but one has only to ask how far the best advertising agents in the world and the most lavish expenditure of money could ever have made men such as Hitler and Göring popular in Great Britain or the United States. These creatures have obtained popular acclamation in Germany because they represent the type of man which the average German tends to admire; their ideas have found acceptance because such ideas have not been foreign to the German tradition.

National Socialism has nothing original about it, unless a semi-lunatic exaggeration and pedantry can be taken as marks of originality. There is no single item in *Mein Kampf*, or in the glosses upon *Mein Kampf*, which has not a long history in Germany. Anti-Semitism (well described as 'socialism for fools') was a feature in German politics long before anyone had heard of Adolf Hitler. The programme of National Socialism, taken as a whole, had advocates in Germany and German Austria long before Adolf Hitler. Even the fact that this programme has undergone many fluctuations does not give it novelty. The plain and sinister fact

•

about National Socialism is indeed its lack of originality. Hitler's appeal to the German masses would have been far less attractive if this appeal had been new and original.

Germany and Europe

The matter can be summed up in a few words. For a long period of time, extending over many centuries, Western thought has been developing on lines which, without attaching to them to-day any special party or denominational significance, can be described as both liberal and Christian. This development of thought has been humanitarian and optimistic. Humanitarian in the sense that the starting-point of Western thinkers, in Great Britain, in the United States, and in France, has been the absolute value of the individual, and hence the equal rights of all individuals. The high problems of law and government and economics have thus become centred upon giving to the individual full opportunities for the development of his personality. Man is a social animal, and individuals live together in societies. Hence it has been necessary to provide means for the proper use of the social faculties of men—their habit of mutual aid and co-operation in large enterprises. Western thinkers and practical statesmen have therefore had to be on guard against two opposite dangers: the confusion of liberty with *laissez-faire*, and the encroachment of social or economic or political institutions upon the freedom of individuals whom these institutions exist to serve.

It would be an idle pretence to claim that these great problems have been solved either in the

political or in the economic sphere, but Western thinkers have been optimistic about their ultimate solution. The record of history shows that, by courage and endurance, by the application of reason, by the increase of knowledge, by sustained and united resistance to economic exploitation and political tyranny, large communities of men have been finding their way towards better conditions of existence and happier states of mind. Within these large communities the main (though not the only) task in our time has been the search for 'social justice'. In the relations between community and community the main task, though here also not the sole task, has been the elimination of war as senseless, cruel, and merely destructive.

For more than a hundred years, and in some respects for a much longer time, certain dominant tendencies of German intellectual life have been hostile to this liberal and Christian way of thought. Long before Hitler, popular writers in Germany had derided Western humanitarianism, denied the very conditions under which Western thinkers regarded improvement as possible, and described as mere foolishness the moral ideals which the majority of English, French, and American writers had taken for granted. The worship of power, a contempt for mercy and gentleness, the sacrifice of the individual to the State, a belief in war as the highest and most ennobling form of human activity, these were the lessons taught to the younger generation in Germany, not merely by the Hitler Youth Movement, but by school teachers in the years before the last war. Moreover, this reversion to an earlier barbarism was accompanied by a strong belief that

the Germans were a race with a mission to enforce their view of life upon other peoples. It followed that, in order to further the increase of German power, every German must subordinate his existence to the German institutions of State, and that, in order to increase the power of this State, all means were justified. These beliefs have been set out and repeated by some of the most honoured names in Germany; they have been adopted with enthusiasm by an active minority, embodied in the German educational system, until several generations in turn have been infected by them and, in our time, the youth of a whole nation holds these and no other beliefs.

Hitler is thus the creature, not the creator, of a German nationalism which justifies every bestiality, every act of bad faith practised in the interests of the increase of the power of the German State. Hitler, Göring, and their like have been admired and followed because they spell out in staring letters a theme which less forceful and less vociferous Germans had adopted for themselves. We must indeed remember Burke's words against drawing up an indictment against a whole nation. It is, of course, true that very large numbers of Germans (many of them are now exiles in Great Britain and the United States) have opposed this theory of a barbaric, unmoral, power-deveuring German State.¹ It is also true that German intellectual life has not been limited to the discovery of sophisticated reasons for giving full rein to the baser

¹ Just as, for example, it is known to-day that there are cases of complete nervous breakdown among Germans who have seen at first hand the behaviour of their fellow countrymen in Poland.

instincts of human nature, the debt of modern medicine, of modern physics to Germany is known to everyone. These instances could be multiplied, but the grim fact remains that the majority of the German people, and the majority of their leaders, have accepted a philosophy which, to us, is a philosophy of darkness.

It is important for us to remember that this German philosophy is false—false in the simplest sense that it is untrue to fact. It is based upon a distortion of history, a distortion of psychology, a distortion of economics. The paradox into which it has led the Germans has been well described in these words about German theories of economic nationalism.

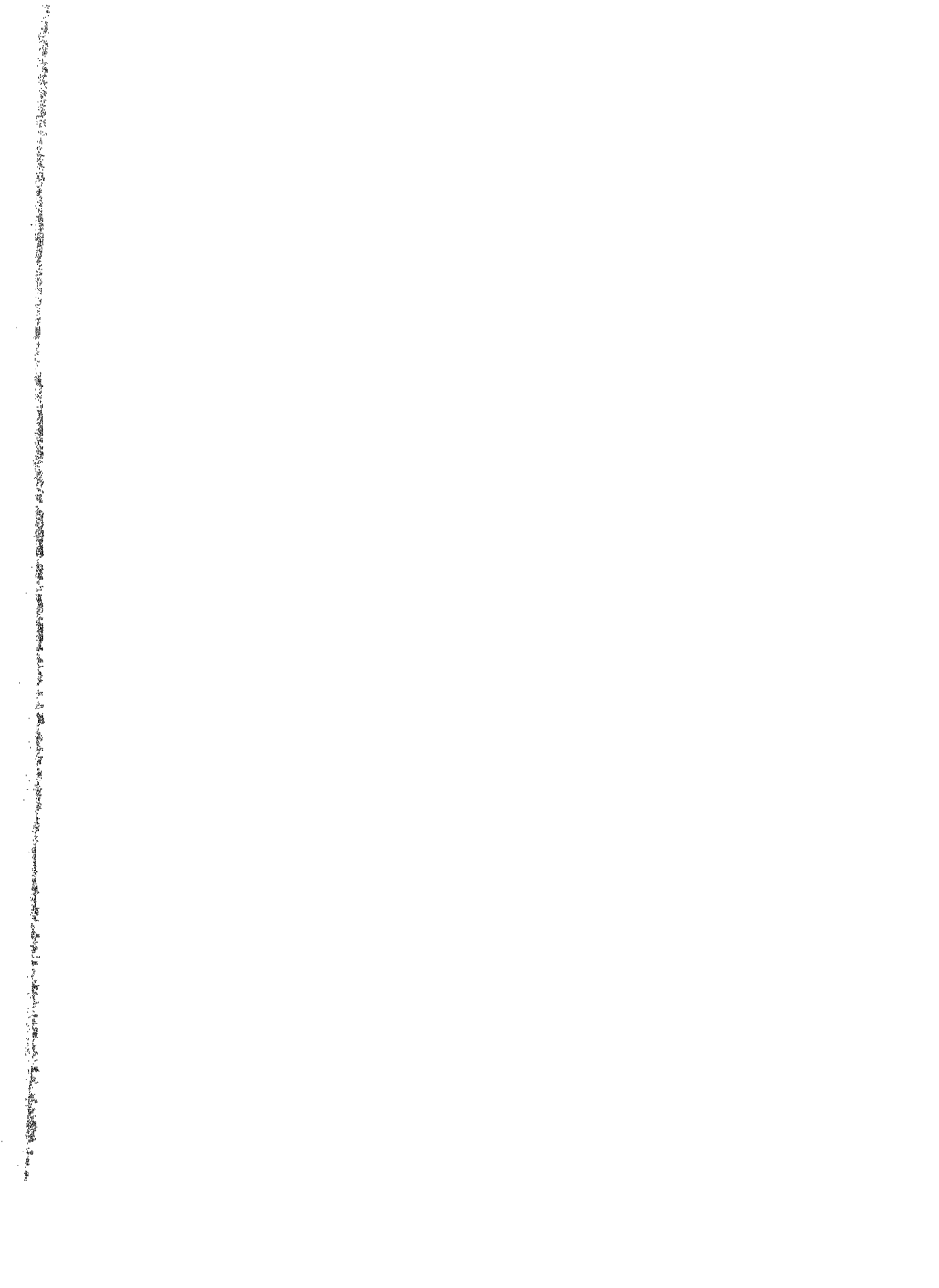
'In the full tide of the age of Abundance and Interdependence they use the language of the long ages of Drudgery, Penury, and Isolation. Power for them still means the power of man over man rather than the power of man over Nature. A neighbour for them is still a potential enemy, spying for an opportunity of loot. Two neighbours constitute two enemies and a possible war on two fronts, which, with a little exaggeration, becomes an 'encirclement'. Countries endowed with natural resources which their inhabitants are only too anxious to sell in the world-market are stores of treasure jealously withheld from a hungry warrior tribe . . . Political Economy, as we have understood it in the West for 150 years, is discarded—or rather, it is treated as an annex to the art of war. The Quartermaster's office is the centre round which revolves the economy of the Totalitarian State.'¹

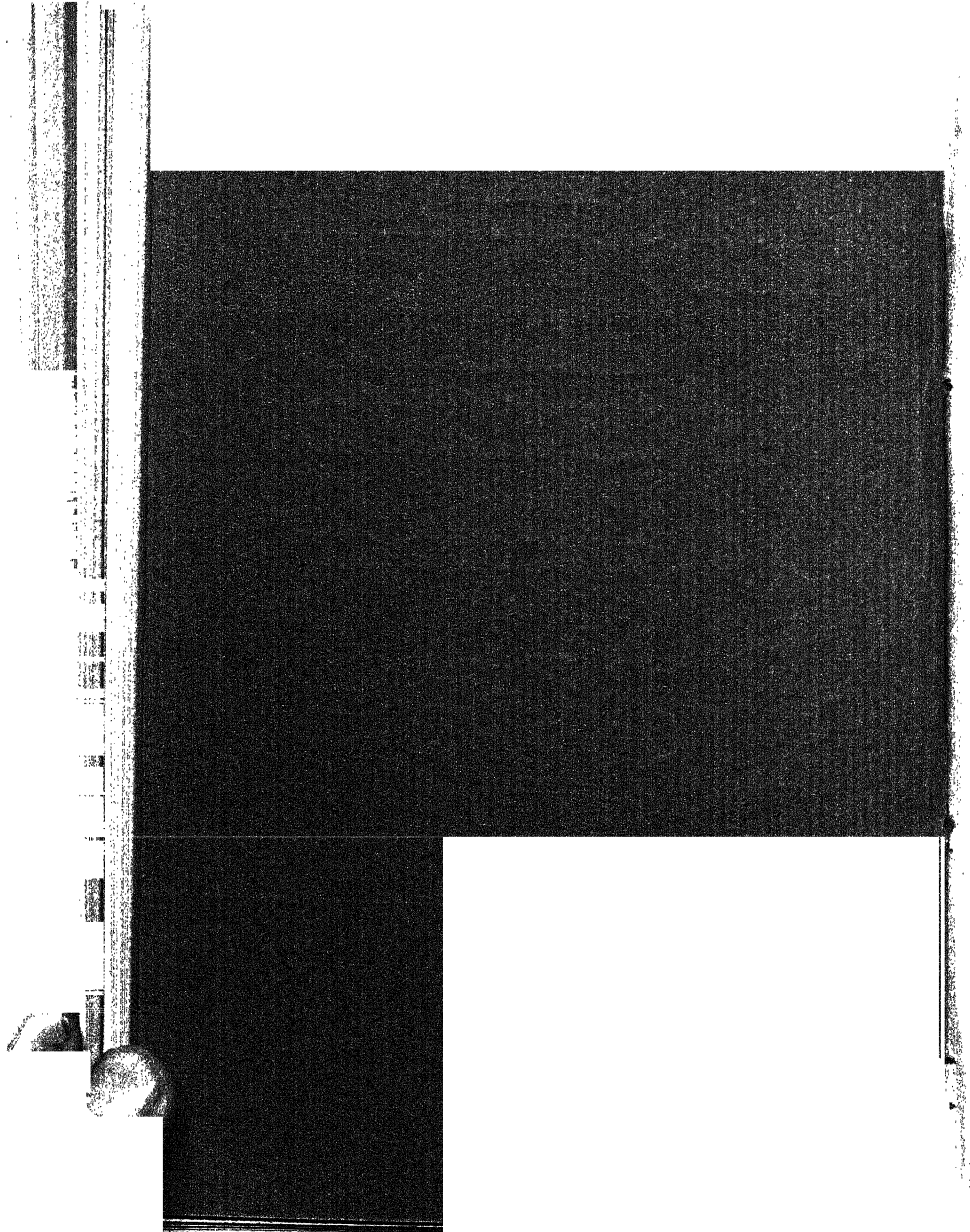
Between this apotheosis of violence and our belief that mercy and justice are the qualities of the strong, between our reading of the history of human

¹ Sir Alfred Zimmern, *The Prospects of Civilization* (Oxford Pamphlets on World Affairs, No. 1, p. 30).

evolution as the widening triumph of intelligence, co-operation, and mutual aid, and this 'nostalgie de la boue', there can be no compromise, no hope of appeasement. Indeed our greatest problem after the war will not be the reconstruction of our own shattered economic and social life, but the 'decontamination' of German youth from the death-laden atmosphere with which it has been surrounded.

Here, then, we discover the ultimate origins of this war. We are not fighting for the shifting of boundary posts a few score miles to the north or south or east or west. We are not fighting to maintain a rule of privilege or monopoly in our own country. We are fighting for a particular way of life. This way of life allows for change, and looks for betterment; already, through the sacrifice and energy of past generations it has brought us out from barbarism, and set us towards a reasonable and humane existence. We are fighting against a nation of many millions, strongly compact, brave, crafty, and bound in Dervish-like submission to an opposite way of life. As long as they accept this submission, our good is their evil, and their evil is our good.





OXFORD PAMPHLETS ON WORLD AFFAIRS

No. 42

WHAT
ACTS OF WAR
ARE
JUSTIFIABLE?

BY
A. L. GOODHART

OXFORD
AT THE CLARENDON PRESS

1940

ALTHOUGH neither law nor any other human device can make war in itself anything but abominable, the notion that belligerents remain under certain legal obligations to one another has its roots in antiquity and persists to-day. Experience of the laws of war shows that they do make a certain difference. Moreover the fact that those who break the laws of war generally try to make out a legal case, however flimsy, for their acts shows that the existence and authority of those laws are recognized by the civilized world.

In this pamphlet the Professor of Jurisprudence in the University of Oxford discusses the nature of these laws and their application to the present war. He contrasts the German theory and practice with that of other States, with particular reference to air warfare and blockade, and the position of the civilian population in 'totalitarian' warfare. He also discusses the important question of reprisals.

Professor Goodhart served as a Captain in the American Army in France during the last war. He is the author of several legal works and is Editor of the Law Quarterly Review.

FIRST PUBLISHED 5 DECEMBER 1940

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Angen House, E.C. 4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

WHAT ACTS OF WAR ARE JUSTIFIABLE?

IN the last war Germany torpedoed ships without warning, scattered unanchored mines in the seas, bombarded undefended seaside towns, began the use of poison gas in 1915, killed hundreds of civilians in England and France in indiscriminate air-raids, shot hostages in Belgium, and destroyed the city of Louvain. In each case she claimed that she was acting strictly in accordance with the rules of International Law and morality. In the present war the Germans have again attacked merchant shipping with their submarines, have machine-gunned harmless civilians, have devastated Rotterdam in the most savage air attack in history, and are attempting to do the same to London. Once more they are asserting that their acts are both within the law and morally correct. On the other hand, they claim that Great Britain in enforcing the blockade is acting illegally, and is thereby attempting to murder German women and children. Although each of these problems must be considered separately, they are all part of the larger question, What belligerent acts are justifiable in war? The answer to this depends on whether or not we can say that there are any rules governing the conduct of war, and, if there are such rules, what is their content.

The Laws of War

The pessimistic view is that the phrase 'the laws of war' is a contradiction in terms—'cette monstrueuse association de mots, les droits de la guerre', as a French admiral once put it. 'The laws of war

make one think of the 'snakes of Ireland' was the equally succinct comment of an English general. This view has, however, been disproved by the experience of past wars in which the laws of war have been recognized by the belligerents to be binding on them. Belligerent States have, of course, violated the law sometimes, just as individuals sometimes violate the civil law, but they have hesitated to challenge its existence and authority. The result has been that the law of war has been of practical importance. Professor Brierly was not putting the claims of International Law too high when he said recently: 'But when all allowances have been made, if we do not pitch our expectations too high by imagining that law or any other human device can make war anything but an utter abomination, experience of the laws of war in operation shows that they do make a certain difference.'

The history of the laws of war goes back to the latter part of the Middle Ages, when the influence of Christianity and of chivalry combined to restrict the cruelty of war. The Thirty Years War was a temporary setback, but the horror which the unrestrained brutality of the soldiers, especially at the siege of Magdeburg, caused throughout Europe brought about a new development. Hugo Grotius in his celebrated work *De Jure Belli ac Pacis* (1625) did much to advance this by his attempt to state the general principles in concrete form. Further progress was made during the eighteenth century, with the result that the unrestrained cruelty of former

¹ *The Background and Issues of the War*, 1940 (Clarendon Press), p. 131.

times was in large part absent from the Napoleonic wars. It was, however, after 1850 that the most striking advance was made by means of various treaties and conventions in which the rules relating to warfare were partially formulated. Thus the Declaration of Paris, 1856, which was signed by seven States, dealt with warfare at sea in so far as it affected the capture of private property at sea and blockade. Almost all the other maritime Powers acceded to it in the course of time. The Geneva Convention of 1864 was concerned with the amelioration of the condition of wounded soldiers, and a further attempt to limit the cruelty of war was the Declaration of St. Petersburg, 1868, which prohibited the use of certain explosive projectiles. Of far greater importance, however, were the two Hague Peace Conferences of 1899 and 1907. At the second Conference the famous Hague Regulations dealing with the rules governing the conduct of land warfare were adopted. They did not purport to give a complete code, leaving all matters not covered by their provisions to be governed by 'the principles of law as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience'. Some question has been raised as to the binding force of these Regulations as they have not been ratified by all the States, but it cannot be doubted that they are of great authority as a statement of the existing customary rules.

The Laws of War are to be found, therefore, partly in conventions and partly in custom. Their source, as the *British Manual of Military Law* states,

is to be found in 'the dictates of religion, morality, civilization and chivalry'. Rules which began merely as usages of warfare have hardened into rules of law which are regarded as binding by the civilized States.

This idea that the belligerents, although at war, remain under certain mutual legal obligations and duties is no modern one. Over two thousand years ago Plato in *The Republic* (Book v) considered the question, How shall our soldiers treat their enemies? He answered that when Greek fought against Greek they must remember that 'still they would have the idea of peace in their hearts and would not mean to go on fighting for ever'. 'And as they are Hellenes themselves,' he said, 'they will not devastate Hellas, nor will they burn houses, nor ever suppose that the whole population of a city—men, women, and children—are equally their enemies.' It is only when the war is fought against barbarians that these rules, which the Hellenes recognize, are not binding.

But the Germans, while occasionally paying lip-service to the accepted rules of International Law, have always preferred the barbarian point of view. Thus von Clausewitz in his monumental work on War speaks of those 'self-imposed restrictions, almost imperceptible and hardly worth mentioning, termed the usages of International Law'. The authoritative German War Manual, *Kriegsbrauch im Landkriege*,¹ prepared by the German General Staff in 1902, warns military commanders against the humanitarian tendencies of the times, and refers to the humane principles of the Hague Conventions

¹ Translated by J. H. Morgan, K.C., *The German War Book*, 1915.

as 'sentimentalism and flabby emotionalism'. Moreover, it accepts the distinctively German doctrine that *Kriegsräson geht vor Kriegsmanier* (necessity in war overrules the ordinary rules of war), i.e. that the laws of war are no longer binding when a violation of them is necessary to escape from danger, and that the duty of observance ceases whenever conformity thereto interferes with the attainment of the objects of the war. This doctrine is a negation of all law, and reduces the rules of warfare into traps by which the honest but unwary opponent may be ensnared. Fortunately it has been rejected by almost all the other States. We can therefore answer the question whether there are any rules governing the conduct of war in the affirmative, although we must always remember that their efficacy depends in large part on the honour and conscience of the belligerents.

The Content of the Rules of War

Article XXII of the Hague Regulations states as a general principle that 'the right of belligerents to adopt means of injuring the enemy is not unlimited'. Like all other general principles this one, while important as a guide to the spirit of the laws of war, does not tell us what the particular rules are. These must be found in the other Articles and in the customary rules which are so important a part of International Law. For the sake of clearer understanding it is convenient to divide these rules into three classes, the first covering belligerent acts against enemy civilians, the second belligerent acts against the enemy combatant forces, and the third

belligerent acts against neutral States and individuals. In the present war it is the first class which has been most under discussion, while in the last war it was the two latter which caused the bitterest controversy, it being the third in particular which led to America's entry into the war.

Belligerent Acts against the Civil Population

In ancient days it was held that the civilian population could be killed or enslaved at will. During the Middle Ages, largely due to the influence of the Church, a milder doctrine was taught, although it was not always practised. Thus Francisco di Vittoria, in his famous *Relectiones* (1532), declared that 'the deliberate slaughter of the innocent is never lawful in itself'. The basis of a just war, he said, was the wrong that had been committed, but as the innocent had committed no wrong it was not permissible to wage war against them. A century later, when the Thirty Years War made Europe realize the horrors of unrestricted warfare, Grotius expressed the contemporary view that war ought not to 'involve innocent persons in destruction'. He laid down particular rules which were applicable to children, women, and men who had not taken up arms, such as priests, farmers, merchants, and artisans. From that period public opinion crystallized rapidly, and Louis XIV's threat to the Dutch during the invasion of their country in 1672, that when the ice melted he would give no quarter to the inhabitants of their cities, met with universal reprobation. It was in the nineteenth century, however, that the distinction between the combatant and the civilian was most

firmly drawn. The majority of the continental writers even went so far as to hold that because war was a relation between States and not between individuals it followed that the subjects of the belligerents were enemies only as soldiers and not as citizens, but this view was rejected as too extreme by British and American jurists. Everyone was agreed, however, on the essential point that the immunity of civilians from direct attack was one of the fundamental rules of International Law. 'Nobody doubts', said Professor Oppenheim in his classic work on *International Law* (6th ed., by Professor H. Lauterpacht, p. 169), 'that they ought to be safe as regards their life and liberty, provided they behave peacefully and loyally; and that, with certain exceptions, their private property should not be touched.'

This clear-cut nineteenth-century division between the civilian and the soldier became less definite during the last war. For one thing the whole male population fit to carry arms was now subject to conscription so that every man became a potential soldier. Even when not enrolled in the army every adult, male or female, was liable to be called on to perform some service in the prosecution of the war. For another, the new weapons developed during the war sometimes made the distinction a difficult one to apply in practice. However anxious the pilot of an aeroplane might be to attack only military objectives, it was only in the most favourable circumstances that he could be certain that his bombs would not destroy civilians. As a result certain writers have taken the extreme view that the

distinction between civilians and soldiers is no longer a valid one, and that the whole structure of rules which has been erected on this foundation must fall to the ground. This counsel of despair has, however, been rejected by most of the authorities. Thus Dr. Lauterpacht, the Whewell Professor of International Law in the University of Cambridge, says that, 'while these factors have had the effect of blurring the established distinction in many respects and of necessitating a modification of some of the existing rules, they have left intact the fundamental rule that non-combatants must not be made the object of direct attack by the armed forces of the enemy'.¹

Thus, even though the distinction between the soldier and the civilian may have been blurred in recent times, this does not mean that all acts of war committed against the latter are justifiable. That there must be some limits is the answer of the conscience of mankind, but to formulate them in precise terms is not an easy task unless one accepts the harsh German doctrine of totalitarian warfare.

§ The German Doctrine of Totalitarian Warfare

It was in the last war that the Germans for the first time carried the doctrine of totalitarian warfare fully into practice, although the idea itself was far from novel. In his letter to Professor Bluntschli in 1880 General von Moltke said: 'I am in no sense in accord with the Declaration of St. Petersburg when it pretends that the "weakening of the *military forces* of the enemy" constitutes the

¹ Oppenheim, *International Law*, edited by H. Lauterpacht, p. 172.

only legitimate object of war.' Thus the inflexible German mind, which sees no virtue in moderation, reached the conclusion that as modern war is a war between the people as a whole it follows that any act which injures the people, whether civilians or soldiers, is a justifiable act of war. In accordance with this doctrine it was thought permissible in the last war to shell the undefended seaside towns of Scarborough, Whitby, and Hartlepool, and to deport into Germany French and Belgian men, women, and girls to do forced labour in the fields. It is this last instance which best illustrates the German doctrine. When protests were made by neutrals against these mass deportations, the German Minister of War, General von Stein, said:¹ 'To-day it is not armies alone who face each other, but peoples. One cannot leave among his enemies labourers to carry on agriculture and make munitions of war. We have not deported young girls alone, but all the population capable of working.' To-day the Nazis no longer need a thin veneer of excuses for such acts. They have announced with pride that they have seized 500,000 Poles—men and women—and have carried them off to slavery in Germany. In 1917 the whole civilized world stigmatized this practice as an outrage and as an obvious breach of a fundamental rule of International Law, but to-day the Nazis regard it as a legitimate act of war.

The only restriction on the German doctrine of unlimited force is contained in the rule that violence

¹ See James W. Garner, *International Law and the World War*, 1920, vol. i, p. 319.

which has no relation to the conduct of the war ought to be avoided. Thus the German War Manual provides that 'every means may be employed without which the object of the war cannot be attained; what must be rejected, on the other hand, is every act of violence and destruction which is not necessary to the attainment of this end'. This limitation had some restraining influence on the German armies in the past, but it seems to be completely ineffective at the present time. To-day the primary purpose of Nazi strategy is to undermine the morale of the civilian population by terrorization, and therefore the more brutal an act is the more useful it is in attaining this end. In accordance with this doctrine the devastation of the city of Rotterdam was held by the Nazis to be a justifiable act of war. 'This bombardment', M. van Kleffens, Netherlands Minister for Foreign Affairs, has said,¹ 'was one of the worst crimes of military history. Two groups, each of twenty-seven aeroplanes, systematically bombed the centre of the town with heavy high-explosive and incendiary bombs, leaving not a house intact, hardly a soul alive. Thirty thousand of innocent victims, among whom were scarcely any soldiers, perished during the half-hour this loathsome raid lasted—old men, young men, women and innumerable children. Who, in the face of such facts, is there to speak of "Deutsche Ehre", of "Deutsche Treue"?' We are back again to the German practices of the Thirty Years War because there is now no act which cannot be justified under this doctrine, for the more cruel and brutal an

¹ *The Rape of the Netherlands*, 1940, p. 177.

enemy appears to be the more likely is he to inspire terror. If we accept this view then there are no limits to enemy action against the civilian population because, as M. Bonfils has said,¹ 'If it is permissible to drive inhabitants to desire peace by making them suffer, why not admit pillage, burning, tortures, murder, violation?'

In only one instance have the Germans insisted on the distinction between the civilian population and the armed forces. When the Anglo-French blockade, in the last war and in the present one, restricted the amount of foodstuffs which the Germans could import, they raised the cry that the Allies were attacking the German women and children. The blockade, they contended, was therefore contrary to 'the basic principles of law and humanity'. The answer to this contention will be discussed below.

Civilians Protected by International Law

In sharp contrast to the German practice is the doctrine of International Law that in so far as civilians do not take part in the fighting, they may not be directly attacked and killed or wounded. Professor Hyde, the distinguished American authority, has stated this briefly:² 'Deliberate attempts to terrorize the civil population by attacks specially directed against them should always be denounced as internationally illegal conduct.' Even though such an attack might prove to be of advantage to the

¹ *Droit International Public*, § 1222.

² *International Law chiefly as interpreted and applied by the United States*, 1922, vol. ii, p. 322.

belligerent by spreading panic he is not justified in adopting this method of warfare. On the other hand, injuries to civilians which are the result of bona-fide military activity are legitimate. Thus, for instance, when a besieged town is bombarded, no violation of the rule has taken place if the inhabitants are injured. But the military operation must be a bona-fide one: there must be a fair balance between the means employed and the purpose to be achieved. An undefended city must not be destroyed even though by doing so a few enemy soldiers may be killed. If this were not so, then there would be no limit to a belligerent's right to ravage and destroy, because even the most peaceful village must contain a potential soldier. To attempt to justify such acts on the ground that they are part of military operations merely adds the contemptible sin of hypocrisy to a brutal and unchivalrous crime.

Although these principles cover all forms of military activity, they are of particular importance at the present time in their relation to air warfare, which we must now consider.

Air Warfare

In 1907 the Second Hague Conference discussed the question of aerial bombardment, although at that time it was balloons and not aeroplanes which were of importance. There was general agreement that while this mode of warfare could not be prohibited it ought to be restricted. The Conference therefore adopted Article XXV of the Regulations which provides that: 'The attack or bombardment by any means whatever of towns, villages,

habitations or buildings which are not defended is forbidden.' This rule unfortunately proved of little practical value in the last war because it was always possible for a belligerent to claim that every town was defended. Thus the Germans announced that their bombs had been dropped on 'the fortress of London' and 'the fortified place of Great Yarmouth'. They alleged throughout the war that they were not engaged in indiscriminate bombing. The Allies, with more justification, also claimed that they were only attacking military objectives, although it is fair to point out that a considerable number of German civilians were killed. But whatever the practice may have been, all the belligerents were in agreement that aerial bombardment directed against the civilian population for the purpose of terrorization or otherwise was illegal.

After the war the Washington Conference on the Limitation of Armaments (1922) appointed a commission of jurists to formulate the rules concerning aerial warfare. This commission, under the chairmanship of Professor John Bassett Moore, the leading American authority on International Law, produced in 1923 a code of rules which is known as The Hague Air Warfare Rules. Although this code has never been converted into an international Convention, it is nevertheless of importance in view of the authority of its authors; on occasions some governments have announced that they would act in accordance with its provisions.

The code does not purport to lay down new law, but is an attempt to put into precise form the existing rules. It is based on the fundamental assumption

that a direct attack on non-combatants is an unjustifiable act of war. Its two most essential provisions are as follows:

Article 22: Aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatants, is prohibited.

Article 24 (1): Aerial bombardment is legitimate only when directed at a military objective—that is to say, an object of which the destruction or injury would constitute a distinct military advantage to the belligerent.

Although some other articles of the code have been the subject of debate, no one has seriously questioned that these two Articles represent accurately the rule of International Law on this point. Deliberately to terrorize or injure non-combatants is no more a proper object of aerial warfare than it is that of land or naval war. Nor is indiscriminate bombing legitimate on the ground that a military objective might possibly be hit—the attack must be directed definitely against that objective. Moreover, that objective must really be of military advantage, and not merely a subterfuge for an otherwise illegal attack on the civilian population.

Judged by these tests, what can be said of the Nazi air-raids on Great Britain? One point is beyond dispute, and this is that the machine-gunning of men, women, and children by German pilots in the streets of London and Southampton is pure terrorization, and is illegal by every conceivable standard. The Nazis have denied the Belgian and French accusations that during the retreat they deliberately machine-gunned the refugees in those

countries, but they cannot deny that they have deliberately shot down women and children in the quiet English streets, because thousands have seen them do it. The 'chivalry' of the German 'knights of the air' has been stressed by the Nazis, but if this is a type of 'chivalry' then, fortunately, the civilized world does not recognize it as such.

Concerning the bombardment of London the Nazis have given two contradictory explanations. The first is that the bombardment is directed against military objectives. If this is true, then the aim of the Nazi pilots has been singularly inaccurate. In the last war bombing, especially at night, had to be more or less haphazard, so that it was difficult to hit a precise target, but to-day it requires more than lack of skill to hit the residential district of Hampstead when aiming at the London docks. This explanation has, moreover, been belied by the Nazi pilots themselves. In a series of broadcasts they have described their attacks on London. They spoke with considerable exaggeration of the destruction of military objectives, but their real enthusiasm was reserved for the description of how the homes of the people had been destroyed. Thus one pilot described his joy when he saw a block of flats crumble under the explosions of his bombs.

The second explanation given by the Nazis is that these raids are a reprisal for the alleged British attacks on German civilians. This explanation, in flat contradiction to the first, recognizes that these bombing attacks are directed against the civilian population, and that they are therefore a breach of

International Law, but they are excused on the ground that the British did it first. This excuse has been repeated in the case of every German violation both in the last war and this, and is in accordance with Hitler's dictum that if only a lie is repeated often enough it will finally be believed.

The German air-raids in so far as they are directed against the civilian population and are intended to act *in terrorem* are therefore illegal by their own standards. That they have proved ineffective for this purpose is not the fault of the Nazis.

The Food Blockade¹

The problem of the British food blockade is closely connected with that of aerial bombardment because the Germans have claimed that they are entitled to bomb the civilian population of Great Britain as a reprisal against the food blockade which, they say, is an attack on the German women and children. This argument was put forward in the Soviet Government's note of 25 October 1939, protesting against the Allied blockade. It said in part:

'It is known that the universally recognized principles of international law do not permit the air bombardment of the peaceful population, women, children, and aged people.'²

'On the same grounds the Soviet Government deem it not permissible to deprive the peaceful population of foodstuffs, fuel, and clothing, and thus subject children,

¹ See Oxford Pamphlet, No. 24, *Blockade and the Civil Population*, by Sir W. Beveridge; and No. 38, *Britain's Blockade*, by R. W. B. Clarke.

² This was written before the Soviet Air Force bombed Helsinki.

women, and aged people and invalids to every hardship and starvation by proclaiming the goods of popular consumption as war contraband.

From this it will be seen that the Soviet Government has the courage of its convictions because it insists that fuel and clothing as well as food must be let through the blockade. Thus coal for the household stoves, and petrol which is necessary for the distribution of food, must not, according to this view, be kept out of Germany, because otherwise the civilian population will suffer hardship. At first sight this contention seems to be a persuasive one, and it has appealed to some sympathetic persons both here and abroad. Why then was it rejected both by the Allies and the United States in the World War, although they were in agreement that attacks on the civilian population of a belligerent were contrary to the rules of International Law? The answer is that the blockade is not an attack, direct or indirect, on the women and children. No one will deny that as an incident of such a blockade the civilian population may suffer hardship, but such incidental injury is part of every legitimate act of war. International law has always drawn a distinction between the act which has a legitimate war aim, even though it may incidentally injure the civilians, and an act the sole purpose of which is to injure them. If this division were not made then all acts of war would be illegal because all of them might affect civilians. The distinction is one which becomes clear as soon as we test the act by the purpose with which it is done. When a bomb is deliberately dropped on civilians, the intent is to kill

those civilians. It is their death which is the direct and essential purpose, because it is hoped that in this way the morale of the country will be destroyed. On the other hand, the purpose of the food blockade is not to kill the women and children, but to deprive the enemy of essential war material. 'An army, like a serpent, travels on its belly', is Frederick the Great's best-known aphorism, and, unlike many other aphorisms, it is true. By reducing the amount of available food in Germany the efficiency of the army will be directly affected. The Germans have spoken much about women and children, but they seem to have forgotten that the English phrase 'women and children first' means that these should be saved first. If they remember this, then it will be the army and the men working in the armament factories, and not the women and children, who will have to be satisfied with reduced rations. From another standpoint, the problem of foodstuffs is also of direct military importance because fats are essential to the manufacture of explosives. There are sufficient fats in Germany and the countries occupied by her to satisfy the essential needs of every person there. It is only because Germany has used this fat for explosives that there is so serious a shortage. The direct result of sending fats to Germany is therefore, not that a German baby will be kept from starvation, but that a bomb will be manufactured which may kill English women and children.

The German contention that a blockade instituted for such a purpose is illegal cannot be supported by reference to any authority on International Law (except, of course, the recent German books on the

subject). It is noteworthy that the British Government made no such claim when the Germans attempted to blockade Great Britain during the last war: it was the method of the blockade, by submarines and mines, and not its purpose which was challenged.

Inhabitants in Enemy-Occupied Territory

The rules of International Law are not limited to protecting the non-combatant against intentional attacks by the enemy military forces; they also protect him when the enemy has occupied his country. The view that the victor might enslave and pillage the vanquished was rejected both in theory and practice during the eighteenth and nineteenth centuries. This principle, accepted by all civilized countries, was stated in Article XLVI of The Hague Regulations which reads: 'Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.' That the Nazis have completely disregarded every provision of this Article by their actions in Poland, they themselves have stated with some pride. They have deported hundreds of thousands of the inhabitants, they have pillaged their property, and have destroyed their churches. No attempt to justify these acts from the standpoint of International Law or morality can be made: they can only be explained by the primitive doctrine that the conqueror may destroy the conquered. *Vae victis!*

Acts of War against the Combatant Forces

The laws of war include a large number of rules

which deal with the methods of warfare which one combatant is entitled to use against the other. Thus there are provisions concerning the killing of an enemy who has surrendered, the use of flags of truce, the constitution of the armed forces, spying, &c. In the last war the most disputed question in this branch of the law concerned the nature of the weapons which a belligerent was entitled to use, and as it may arise again in this war it is necessary to deal with it briefly.

The first attempt to limit the type of weapons to be used in war was made in 1868, when the Declaration of St. Petersburg prohibited the use of certain explosive projectiles. In 1899 the First Hague Conference prohibited the use of expanding bullets. It also adopted a Declaration stipulating that the signatory Powers would abstain from the use of projectiles the sole object of which was the diffusion of asphyxiating or deleterious gases. This was not intended as a new rule but merely put into precise form the customary rule prohibiting the use of poison, a rule which has been described as 'one of the oldest and most generally admitted rules of warfare'. In 1907 The Hague Regulations stated in Article XXIII (e) the general principle that 'it is especially forbidden to employ arms, projectiles, or material calculated to cause unnecessary suffering'.

What is the test of 'unnecessary suffering'? The German doctrine, as Professor Garner has emphasized,¹ is that 'any instrument or method, the employment of which will contribute to the speedy attainment of the object of war, is permissible

¹ Op. cit., vol. i, p. 280.

whatever may be said against it on humanitarian grounds'. Thus the Imperial German Chancellor stated in the *Reichstag* (March 1916) that 'when the most ruthless methods are considered best calculated to lead us to victory, and a swift victory, they must be employed'. The same genial view was expressed by Field-Marshal von Hindenburg. 'One cannot', he said, 'make war in a sentimental fashion. The more pitiless the conduct of the war, the more humane it is in reality, for it will run its course all the sooner.'

This absolute doctrine has not been accepted by the other nations. They hold that the legality of an instrument of war must be judged from two stand-points: (1) its efficacy, and (2) its humanity. If the efficacy is not sufficient to offset its inhumanity then it must not be employed.

This question became of practical importance when the Germans used flame projectors for the first time in 1915. They claimed that these were not illegal as they served a war purpose, but the Allies took the position that this practice was unlawful because it caused unnecessary suffering. The use of flame throwers was abandoned owing to the strong counter-measures taken by the Allied soldiers.

Of far greater importance was the question of poison gas, which the Germans first used in 1915. This came as a complete surprise to the Allies as this method of warfare was recognized as being unlawful both under The Hague Declaration of 1899, and The Hague Regulations, 1907, and under the general principles of International Law. The German defence, in characteristic fashion, included

the following points: (1) that the Allies had been the first to use poison gas, (2) that The Hague Declaration only prohibited projectiles while the German gas came from cylinders, (3) that the gas used was not poisonous and did not inflict permanent injury on those who inhaled it, (4) that it was necessary for the Germans to use it.

The bitterness which the Allies felt at the use of this method of warfare was increased by the feeling that the Germans had deliberately broken a rule of law which they themselves had taken a part in framing. It is a sound instinct that makes people realize that there is a radical distinction between killing within the law and killing outside the law which is murder.¹ To keep the law is a form of good faith, but the Germans have never recognized that there is any duty to keep faith if this is against the interests of their country. Hitler expressed this view when he said that 'he could conclude any pact and yet be ready to break it the next day in cold blood if that was in the interests of the future Germany'.²

In this instance breach of law and breach of faith did not pay Germany because the Allies, as a reprisal, used gas in their turn, and by the end of the war it proved to be one of their most efficient weapons.

¹ It was for this reason that the Nazis attempted to prove that the 'blood bath' of 1934 was legal on the ground that Hitler, as supreme law-giver, had decreed the death of his former associates. Thus Professor Karl Schmitt wrote (*The Times*, July 28, 1934): "The Führer in virtue of his leadership protected the law from the gravest abuse by directly creating law as supreme law lord."

² See Oxford Pamphlet, No. 37, *War and Treaties*, by Arnold D. McNair, p. 9.

In June 1925 a number of States, including the Great Powers, met at a conference convened by the League of Nations and signed a Protocol in which they agreed to the prohibition in war of 'asphyxiating, poisonous, or other gases, and of all analogous liquids, materials, or devices'. In September 1939 Germany announced that she would observe the Protocol of 1925 subject to reciprocity. So far she has done so.

Reprisals

The essence of reprisals is that if one belligerent deliberately violates the accepted rules of warfare then the other belligerent, for the sake of protecting himself, may resort by way of retaliation to measures which, in ordinary circumstances, would be illegal. Thus a soldier who shoots at the enemy who is attacking him is not committing an act of reprisal because it is always lawful to shoot the enemy: on the other hand, the destruction of a village because a soldier has been killed in it by a civilian is an act of reprisal, as such destruction would not otherwise be justifiable.

It has occasionally been said that no acts of reprisal are ever justifiable because two wrongs cannot make a right. The answer is that one wrongful act can make the other act rightful. International Law is therefore correct when it speaks of the *right* to reprisal. This right has been exercised by nearly all belligerents in nearly all wars, so that, whether we like it or not, we cannot close our eyes to its existence.

In the last war the British Government exercised the right of reprisal on three major occasions. In

1915 it announced that it would use gas as the Germans had adopted this type of warfare. The Archbishop of Canterbury wrote to the Prime Minister (*The Times*, 17 May 1915) urging him not to use 'the same infamous weapon'. 'Most earnestly do I trust,' he said, 'that we shall never anywhere be induced or driven to a course which would lower us towards the level of those whom we denounce.'

Mr. Asquith replied:

'The new developments on the part of our enemy, to which you refer, in the scientific organization of barbarism . . . have aroused in our people a temper of righteous and consuming indignation, for which—I believe—there is no precedent or parallel in our national history.

"Let not the sun go down upon your wrath" is a precept which rebukes the petty, personal, unreasoning quarrels of social and national life. But it has no application when the issue is such that freedom, honour, humanity itself is at stake.'

The next day Earl Kitchener announced (*The Times*, 19 May 1915) in the House of Lords that 'our troops must be adequately protected by the employment of similar methods so as to remove the enormous and unjustifiable disadvantage' under which they now suffered. No further protests were made against this reprisal, except by the Germans.

The second British reprisal concerned the German submarine campaign. On 2 February 1915 Germany declared her intention to destroy without warning all enemy merchant vessels which might be found in the waters around the United Kingdom. The British Government thereupon issued the famous Reprisals Order in Council of 11 March

1915 which announced that all goods of enemy destination, origin, or ownership would be detained. This involved a far-reaching extension of the right to seize contraband, but was justified as a reprisal. As Mr. Balfour said in an article in *The Times* (29 March 1915): 'If the rules of warfare are to bind one belligerent and leave the other free, they cease to mitigate suffering; they only load the dice in favour of the unscrupulous.'

The third British reprisal was the air raid upon Freiburg i. Br. on 14 April 1917, in which a number of civilians were killed. This was announced to be a reprisal for the torpedoing of the hospital ships *Gloucester Castle* and *Asturias*. 'It was intended,' Lord Curzon explained in the House of Lords on 2 May 1917, 'as a deterrent to prevent the enemy from repeating his crimes against humanity.'

Of these three reprisals it may be said that the two first were essential steps in winning the war. If Germany had been allowed to carry on her poison-gas and submarine warfare without retaliation by Great Britain, she would thereby have obtained an advantage which would have made the difference between defeat and victory. Whether or not the third reprisal proved of any practical value is doubtful.

The threat of reprisals was also exercised by the British Government on a number of other occasions. Thus when the Germans executed Captain Fryatt in 1915, the Prime Minister's statement that retaliatory steps would be taken in the future if the Germans continued such acts was sufficient to stop further judicial murders. Similarly when in 1917

the Germans threatened that British aviators, who were captured while dropping propaganda leaflets over the enemy lines, would be sentenced to death, the threat of reprisal caused a change in the German attitude.

These various instances illustrate the grounds on which retaliation may be justified. The first is that, as a deterrent, it may induce the enemy to give up his illegal conduct. The second is that it will prevent him from obtaining an unfair advantage in the prosecution of the war. The third is that it is an expression in action of the righteous indignation of the people. The demand for just retribution must be distinguished from the desire for revenge. On this point Sir John Salmond wrote (*Jurisprudence*, 9th ed., p. 147):

'Indignation against injustice is, moreover, one of the chief constituents of the moral sense of the community, and positive morality is no less dependent on it than is the law itself. It is good, therefore, that such instincts and emotions should be encouraged and strengthened by their satisfaction. . . . There can be little question that at the present day the sentiment of retributive indignation is deficient rather than excessive, and requires stimulation rather than restraint.'

In times of war this sentiment of retributive indignation can only find expression in the form of reprisals.

This does not mean that all reprisals are justified. There are two conditions which must be fulfilled. The first is that the illegal conduct of the enemy must be clearly proved, and the second is that the action which the retaliating State takes is proper as a measure of reprisals. The violation of both these

conditions is illustrated in the infamous destruction of Louvain by the Germans in the last war. Although they claimed that this was a justifiable reprisal for the shooting of German soldiers by Belgian civilians, their action evoked protests throughout the civilized world. This was due to the realization that in the first place it was more than doubtful whether any Belgian civilians had fired on the Germans, and that in the second the reprisal was out of all proportion to the injury suffered. It was therefore accepted by the world as an example of German *Schrecklichkeit* which was intended to overawe the inhabitants by its brutality.

In view of these various considerations the determination whether or not retaliation is justifiable under particular circumstances is frequently a matter of difficulty. But even when it has been decided that retaliation is justified, a Government may hesitate to engage on a course which is likely to lead to a competition in brutalities. The United States *Rules of Land Warfare* therefore prescribe that retaliation shall only be taken as a last resort:

'Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.'

Belligerent Acts against Neutrals¹

The problem of neutral rights during a war has given rise to great difficulty because it involves an

¹ See Oxford Pamphlet, No. 17, *The Blockade 1914-1919*, by W. Arnold-Forster.

inevitable conflict. The position of the neutral is that, as he is not concerned with the war, it is the duty of the belligerents to do nothing which may interfere with his normal rights, while on the other hand each of the belligerents claims that it is his legitimate right to destroy the enemy's commerce even though this may interfere with the neutral's trade. International law has therefore worked out a series of compromises which are embodied in the rules relating to blockade, contraband, and unneutral service.

In the last war the United States protested that both Great Britain and Germany were violating her rights as a neutral, Great Britain by an unjustifiable extension of the doctrine of contraband and Germany by her unrestricted submarine warfare. Why then, if she claimed that both the belligerents were guilty of violations, did the United States ultimately enter the war on the side of the Allies? The answer can be given in Professor Hyde's words:¹

"The United States resented keenly the dire effects of the German operations; it experienced no like sense of outrage on account of the mere diversion of American vessels from the North Sea. This was due to the fact that German submarine operations manifested wanton disregard of human life in attempts to destroy vessels of every class within the proscribed areas.

President Wilson expressed this same view in his *Lusitania* note of 7 May 1915:

"The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing

¹ Op. cit., p. 427.

less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on behalf of those under its care and authority.

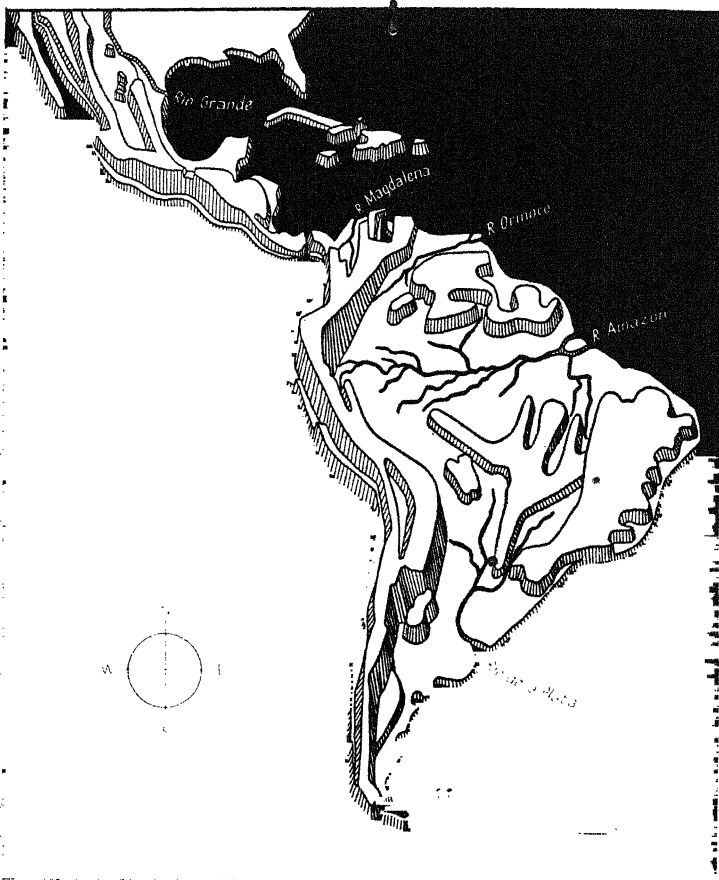
It was because the German Government refused to recognize these rights of humanity that the United States finally declared war. In this instance, therefore, the German doctrine that the justification for acts of war depends on their efficacy alone and is not affected by their inhumanity received its condign answer. Frightfulness does not always pay.

After the war the maritime Powers wished to make it certain that unrestricted submarine warfare would never again take place. They therefore entered into the London Naval Treaty of 1930 which provided that 'a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant-vessel without having first placed passengers, crew, and ship's papers in a place of safety'. In 1936 Germany acceded to this Protocol. On Monday, 4 September 1939, one day after the present war began, a German submarine torpedoed without warning the passenger-vessel *Athenia* with the loss of 400 lives.

Conclusion

This summary of some of the laws of war shows that they have been recognized as binding by the nations, and that 'they do make a certain difference'. The most important of them is the rule that non-combatants must not be made the object of direct attack by the armed forces of the enemy. In his well-known work *War Rights On Land* Dr. J. M.

Spaight said (p. 37): 'The separation of armies and peaceful inhabitants into two distinct classes is perhaps the greatest triumph of International Law. Its effect in mitigating the evils of war has been incalculable'. The Nazis in their indiscriminate aerial bombardment and unrestricted submarine warfare have disregarded this distinction, but this need not make us despair for the future. International Law as recognized by the civilized nations will not cease to exist merely because one State has deliberately violated its provisions. It is true that in the last war Germany broke many of these rules, but it is equally true that this disregard contributed materially to her ultimate defeat. In the present war she has again broken the laws of war, but this is hardly surprising as they are based on 'the dictates of religion, morality, civilization and chivalry'. It is to re-establish these in a world threatened with barbarism that this war is being fought.



LATIN AMERICA. PHYSICAL

OXFORD PAMPHLETS ON WORLD AFFAIRS

No. 43

LATIN AMERICA

BY

ROBIN A. HUMPHREYS

OXFORD

AT THE CLARENDON PRESS

1941

POLITICALLY, economically, and intellectually the republics of Latin America are destined to play an increasing part in world affairs. Between them, the United States, and the British Empire, there are traditional and permanent bonds of mutual sympathy, interest, and ideals. This pamphlet gives a short introductory account of the geography, the recent history, and present political and economic situation of this vast and peaceful region, with its enormous richness in raw materials, and with its astonishing contrasts of climate, of prosperity, and of political organization.

Dr. R. A. Humphreys is Lecturer in American History at University College, London, and has made a special study of Latin America. He has edited *British Consular Reports on the Trade and Politics of Latin America, 1824-26* (Royal Historical Society, London 1940).

First published, 6 Feb. 1941

Printed in Great Britain and published by
THE OXFORD UNIVERSITY PRESS *Amen House, E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

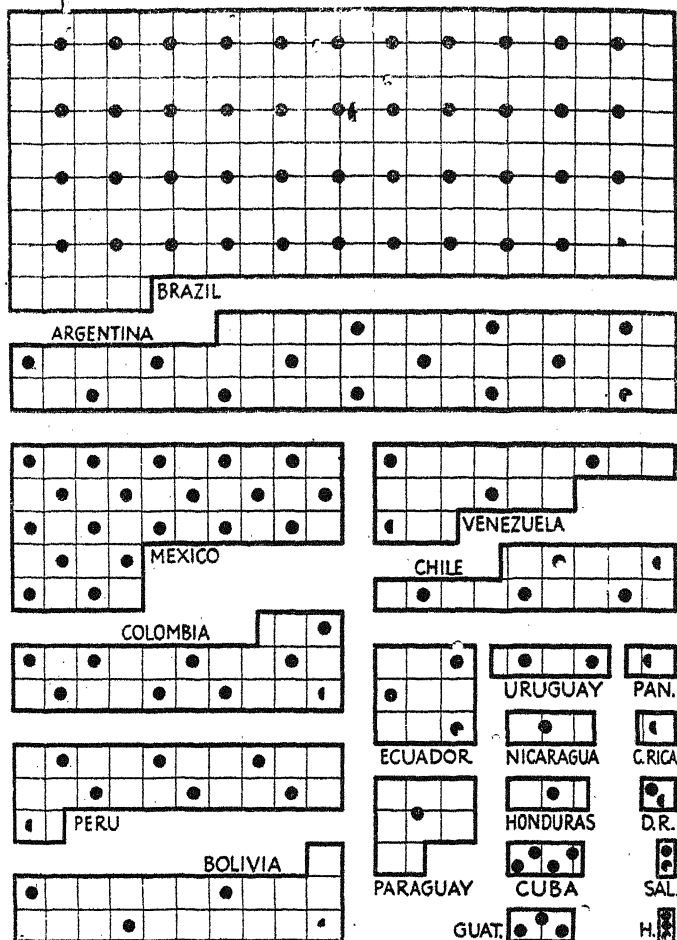
LATIN AMERICA

The Land

THE twenty Republics of Latin America cover an area more than two and a half times the size of the United States. Brazil, the colossus of South America, is itself larger than the United States. Argentina, richest of all the Republics, is five times the size of France. Peru, small in comparison with these great States, could comfortably contain the whole of the Union of South Africa, and even those tiny Republics which join the great cornucopia of Mexico to the vast southern continent together occupy an area larger than Spain.

South America itself is roughly a triangle. It lies, for the most part, to the east of the United States, so that at its most easterly extension it is less than 2,000 miles from Africa, and Rio de Janeiro and Buenos Aires are nearer to Lisbon than to New York. The rims of this triangle are elevated. On the west coast the great chain of the Andes, rising to formidable heights, stretches from Tierra del Fuego to the Caribbean Sea. On the east the highlands of Guiana form the northerly wall of the vast inland world of Amazonia, while the great plateau of Brazil rises steeply from the Atlantic shores. Four river systems—the Magdalena, the Orinoco, the Amazon, and the La Plata basin—drain the continent. More than 2,000 miles up the Amazon Peru has her Atlantic port at Iquitos. Two countries only—Bolivia and Paraguay—are landlocked, and even Paraguay has access to the sea by the Paraguay and Paraná.¹

¹ The Paraguay, the most important tributary of the Paraná, is navigable for boats of 12 feet draft as far as Villa Concepción and for smaller vessels for almost its entire length.



AREAS AND POPULATIONS OF THE 20 LATIN AMERICAN REPUBLICS

Each square represents 20,000 square miles, each dot 1,000,000 inhabitants. Based on figures taken from the *Foreign Commerce Yearbook*, 1938, published by the U.S. Department of Commerce.

(D.R. = Dominican Republic; Sal. = Salvador; H. = Haiti)

Seven per cent. of South America itself is 10,000 feet above sea-level, and in these lands of sudden and surprising climatic and topographical changes, communications remain incredibly difficult. In Mexico the traveller who follows the route of Cortés from Vera Cruz to Mexico City passes within a few hours from the tropical heat of the *tierra caliente* to the chill of the *tierra fría*, more than 6,000 feet up. The journey from Lima to Iquitos takes two weeks by mule, by car, and by boat, so formidable is the mountain barrier. Even on the coast of Brazil to travel from Santos to Pará by any other means than air is as lengthy a journey as from London. No road links the southern to the northern continent. Even Tschiffely, on his famous ride from Buenos Aires to New York, was compelled to dismount near the borders of Panamá and to do that stretch by sea. Of the great Pan-American highway which is to link New York to Panamá and Panamá to Buenos Aires, large stretches still remain untouched and much is incomplete. A network of railways spreads out its antennae from Buenos Aires to connect the third city of the western hemisphere with Chile, Bolivia, and Uruguay. In the Peruvian and Bolivian Andes the railroads are miracles of technical achievement. But in Latin America the air unites, the land divides, and the student of Latin American history will do well to call the geographer to his aid.

The People

The whole population of this vast area of Latin America is under 125,000,000. It is unevenly distributed. Brazil contains nearly half the total population of the southern continent. Yet its interior is a 'desert of men' and its population density

less than 13 to the square mile. Argentina, Uruguay, and Chile account for almost another quarter. Yet their combined population is only slightly more than that of Mexico in the northern continent. Nor is the nature of this population uniform. Argentina, Uruguay, and Costa Rica are almost exclusively peopled by whites. In Brazil, the true melting-pot of the western hemisphere, half the population is white, but Indians predominate in the interior, mestizos¹ in the north, and the negro element is strong in Bahia. In Bolivia and Peru, though a small white minority holds the reins of power, the mass of the people is Indian; and elsewhere, in these mainland countries, the native Indian blood, either pure or in varying degrees of admixture, forms the basis of the population. Even in modern Mexico more than fifty Indian languages are spoken.

When the Spaniards came to the New World they found between the great plateau of Mexico and the highlands of Peru native civilizations of extraordinary interest and relatively high complexity. But Aztecs, Chibchas, and Incas, still less the more backward tribes of Indians, were no match for the white man with his guns and armour. In southern Chile, indeed, the mettlesome Araucanians were to preserve their independence till late in the nineteenth century. But, for the most part, there was little serious resistance to the *conquistadores*, and, after the first brutal onslaughts of the conquest, the Spaniards were concerned, not with the extermination, but with the conversion and the exploitation of the Indian. Immigration to the colonies was restricted and controlled. The Indian

¹ The term 'mestizo', in its original sense, denotes a cross between white and Indian blood.

remained the miner and the labourer. Spanish and native blood mingled, and at the beginning of the nineteenth century, out of a total population of some 17 millions in Spanish America, only three and a quarter were white to seven and a half Indian.¹

Apart from the thin stream of Spaniards to the Indies and of Portuguese to Brazil in the colonial period, immigration to Latin America, on any considerable scale, thus came comparatively late in the nineteenth century. It was mostly directed to southern Brazil, to Argentina and Uruguay, and to Chile, and though the movement of peoples to Latin America in the nineteenth century and after was not comparable with the migrations to the United States, its relative importance was great. Next to Spaniards and Portuguese, the major elements in this immigration were Italian and German. Of the population of Argentina, 30 per cent. has Italian blood in its veins, and more than a third of all the immigrants entering Brazil between 1820 and 1930 were Italians. There are more than three-quarters of a million people of German stock in Brazil, mostly in the three southern States of Rio Grande do Sul, Santa Catharina, and Paraná. Argentina has a German-speaking population of a quarter of a million (including Swiss and Austrians) and in south-central Chile three generations of Germans have lived and prospered. Asiatic immigration has been a twentieth-century phenomenon, and the 200,000 Japanese in Brazil are the result of colonization, carefully planned, highly centralized, and swift in development.

¹ Of the remainder about three-quarters of a million were negroes. The proportion of negroes in the Portuguese colony of Brazil was much higher, and negro slavery persisted in Brazil till 1888.

Immigration has given something of a European outlook to Argentine society. It has contributed greatly to the social and material welfare of the River Plate countries and of southern Brazil. It has helped to emphasize the distinctions between the several Republics. For Latin America is not a unity, and the differences between these States are at least as important as the resemblances. There is a certain family feeling. There is a common heritage (except in Brazil) from Spain. There is a common glory in the establishment of independence. There is a sense of Americanism, a consciousness of similar interests and ideals and of a shared experience. But differing in size, race, and population, the twenty Republics differ also in wealth and power, in social and political development. In most of these countries there is a highly developed national consciousness. There is no such strange creature as a Latin American. A Mexican is a Mexican, a Brazilian a Brazilian, citizens of no mean countries.

The Spanish Empire

The Spanish Empire in the New World was built on a gigantic scale. Even at the end of the eighteenth century Spain still held sway (with the exception of the Portuguese colony of Brazil) from California to Cape Horn. In North America the English colonists in the middle of that century sparsely populated a sea-board strip from the Green Mountains of Vermont to the pine woods of Alabama. Their western frontier marked the edge of civilization bordering on the wilderness. A century or more was to elapse before the relentless movement of western expansion had carried that frontier from the Alleghanies to the Pacific, and

before the process of exploration and exploitation of the continent was complete. But in Spanish America this process of exploration and colonization had been more or less completed by the end of the sixteenth century. And in contrast to the slowly moving westward frontier of North America, by the end of the sixteenth century most of what are to-day the chief cities of Spanish America already dotted the map, like Roman *coloniae* at far-flung intervals.

Parts, no doubt, remained unsubdued; parts were never explored. But the achievement was spectacular. And for a further three centuries Spanish America remained a closed and almost unknown continent to the rest of the world. The empire itself was administered as a centralized absolutism, with elaborate checks and balances designed to prevent maladministration on the part of the servants of the Crown. Few codes of law have been more benevolently intended than the Laws of the Indies. But great gulfs existed between theory and practice; and whereas in North America the English colonists from the first were educated to self-government, in Latin America the colonials were almost, if not quite, excluded from the work of government and administration.

The Spanish Empire was not only vast and long-lived; it was fabulously wealthy. In the eighteenth century Spanish (and Portuguese) America still remained the world's greatest source of supply of the precious metals. And Spanish America was not only a source of supply; it was a market of vast potentialities. Yet Spain failed to exploit it, and failed also to participate in the commercial expansion of Europe. The stream of gold and silver which flowed from the New World itself contri-

buted to the perversion of her economic development, and while she rigidly applied and maintained a monopolistic system, she lacked the economic organization successfully to enforce it. Her enemies exhausted her first by plunder, then by contraband; and her economic and administrative reforms in the eighteenth century came too late and did not go far enough. In the colonies themselves they contributed, like the American and like the French revolutions, to a freer play of ideas and a greater intellectual activity, while the control of Spanish American trade by a small group of monopolists became yet more unbearable. Finally, at the beginning of the nineteenth century, threatened on the northern border-lands by the territorial expansion of the United States, faced by the sea power and commercial expansion of England, the empire collapsed.

The Achievement of Independence

The Napoleonic invasions of Spain precipitated the Spanish American Revolution. It began ostensibly as an assertion of freedom from French control. It ended as a war of independence against Spain. And the Latin Americans won their own independence. It was an epic achievement, carried out in the face of incredible difficulties. Though each of the States has its own 'founding fathers', all unite to honour the two greatest of the liberators, San Martín and Bolívar, respectively liberators of the south and the north of the southern continent, whose marches across the snow-clad Andes surpass the passages of the Alps by Hannibal and Napoleon, and who are revered not only as great leaders in battle, but also as statesmen. The tasks, first to achieve freedom, then to organize that freedom,

were stupendous. Their fulfilment by the Latin Americans themselves is a legitimate source of pride to peoples whose past has been too little understood and whose achievements have been too little appreciated.

There are British names associated with this achievement—Lord Cochrane who brilliantly commanded the navy of Chile and carried the army of Buenos Aires from Chile to Peru; Admiral Brown, the Irishman in command of the ships of Argentina; the men of the British Legion who served under Bolívar. And the resources of Britain's merchants and bankers, and still more the protection of her fleet, were of vital importance. 'Only England, mistress of the seas, can protect us against the united force of European reaction', wrote Bolívar in 1823. Lord Castlereagh, one of the greatest of British Foreign Secretaries, had made the position of Great Britain absolutely clear in a famous memorandum circulated to the European courts in 1817. No other Power than Spain should ever be allowed to use force against the Spanish colonies. From that moment the independence of Latin America was assured. What Castlereagh had done was to prevent European intervention on behalf of Spain when the issue was still in doubt. Once again, in 1823, when there were fears of European intervention (fears which we now know to have been groundless), a British Foreign Secretary, this time George Canning, secured from the only European Power that was potentially dangerous, France, a disavowal of any such intention, and appointed at the same time consuls and commissioners to go to the new States with a view to their recognition. It was at this time, too, that President Monroe sent that celebrated message to the United States

Congress which has gone down in history as the Monroe Doctrine—a doctrine whose importance for the future was great. The American continents, declared the President, were not to be considered as subjects for future colonization by any European Power; and he could not view any interposition for the purpose of oppressing or controlling the new States in any other light than as a manifestation of an unfriendly disposition to the United States.

Yet though both Great Britain and the United States stood forth as the protectors of the new States, it is to the Latin Americans themselves that the glory of the achievement of independence must go, and by 1824 that achievement was complete. Latin America was free. By 1830 twelve new republics and one new empire had been added to the number of independent States.¹ Mexico (where the course of the revolution was somewhat different from that in the rest of Spanish America) had passed from colony to empire and from empire to republic. The vast republic of Colombia, which Bolívar had created, had split into the three States of Ecuador, Colombia, and Venezuela. Brazil, by a singularly peaceful revolution, had thrown off the dominion of Portugal, and in 1822 had established an empire, under the House of Bragança, which was to survive almost till the last decade of the nineteenth century. Great Britain exerted her in-

¹ There were sixteen new Republics if the 'Five Republics of Central America' are counted separately. These, in 1823, were theoretically united in the confederation of the United Provinces of Central America, which survived till 1838. Cuba did not attain self-government till 1902, nor Panamá till 1903. Haiti declared its independence from France in 1804, but the Dominican Republic, after declaring its independence of Spain in 1821, fell under the dominion of Haiti and did not begin its independent life till 1844. It was again incorporated with Spain from 1861 to 1865.

fluence to secure its recognition by Portugal in 1825, and Great Britain also helped to obtain the acknowledgement of the independence of Uruguay by both Brazil and Argentina in 1828.

The boundaries of the new Spanish American States roughly followed old colonial administrative and judicial divisions. But they were ill defined, sometimes unmarked, and frequently disputed. They were to be a major source of inter-State conflict. Independence, moreover, had been achieved at the cost of fifteen years of devastating warfare, and the wars had developed the military rather than the political virtues. Like the earlier revolution in North America, the Spanish-American revolution had been not only a struggle for home rule but a contest to decide who should rule at home. But the masses were poor and uneducated, and for the most part the revolution brought a change of masters rather than of systems. Experience in self-government was lacking, and the brave new world which idealists wished to build was contradicted by the facts of poverty and ignorance, of isolation, and of regional and personal selfishness. Dictatorship was inevitable, even necessary. Self-government and democracy are not to be won overnight. Few peoples have set out on a career of independent nationhood with such initial disabilities.

The Frontiers of Europe

The independence of Latin America ranks with the American and French revolutions as one of the formative influences of modern history. Henceforth, to a degree unequalled before, the frontiers¹ of the Old World lay in the New. It was the policy

¹ I use the term 'frontier' in the American sense of a zone of expansion, not in the European meaning of a political boundary.

of Great Britain, to link the new States to Europe and Europe to the new States by every means in her power, and though the United States opposed to this the idea of an American system, both supported in Latin America the principle of the Open Door. Though there were great differences between them, both were conscious of a certain community of purpose. Latin America was not to be the stage on which the European Powers should fight out their colonial and imperial rivalries. The familiar pattern, cause of so many wars, of a disintegrating area subject to partition by the European Powers was not here to be repeated. But if Latin America was an American continent, it was also a European frontier. The door was open to trade and capital investment, open too to European immigrants. The movement of capital and people to the Mississippi Valley and to Argentina in the nineteenth century was part and parcel of the same great process—the rising importance of the Atlantic basin.

The first German settlement in southern Brazil dates back to the eighteen-twenties, and in the troubled forties German refugees sought new homes in Brazil and Chile as well as in the United States. But though the German agricultural communities of Brazil are old established, it was later tides which swept the main contingents of European immigrants to the Río de la Plata as well as to Brazil (as we have seen, the major immigrant areas of Latin America), and in lesser degree to Chile. In the seventy years before 1928 five and three-quarter million immigrants entered Argentina alone (though not all of them, in particular not all of the Italians, remained); nearly four and a half millions entered Brazil in the first hundred years of her independent history.

The migration of capital and the growth of trade,

particularly in the second half of the nineteenth century, were more spectacular. As in the United States at the end of the nineteenth century, so in England at the beginning, capital looked abroad. Britain made the first public loans to Latin America. Her citizens were the first to engage in private enterprise on any considerable scale. Already by 1825 more than twenty million pounds sterling had been invested one way or another by British capitalists in Latin America. By 1914 this sum had grown to nearly £1,000,000,000. From 1914 to 1930 it increased by less than another £200,000,000. United States investments, starting late, and till the Great War lagging far behind, had by 1930¹ passed the total of the British, while French and German investments were considerable.

The New Nationalism

Foreign immigrants, foreign investment in shipping, ports, and public utilities, have played a decisive part in the swift and spectacular rise of some of these States, which to-day are legitimately proud of their civilization and development. Even before the Great War of 1914-18 they were taking their place in the society of nations; the war brought them into closer relations with the world around them; and to-day this large and peaceful area of Latin America is becoming ever more significant in world affairs. The twenty Republics, increasingly self-conscious each of its own individuality, its historical traditions, and its national

¹ In 1930 British investments in South America were still considerably greater than those of the United States. In Central America (including Mexico, Cuba, Haiti, and the Dominican Republic) United States investments left the British far behind. British investments were largest in Argentina, Brazil, and Mexico, in this order.

ideals, are in different stages of political, social, and economic development. All profess a common democratic faith, though this is frequently the substance of things hoped for, the evidence of things not seen. All avow a common mistrust of totalitarian theories, of whatever variety, imported from the Old World. But dictatorship remains, particularly in those countries which have large aboriginal populations, a recognized and respectable form of government, though, different in kind from the dictatorships of Europe, it is more and more a dictatorship within limits. Even in Central America (apart from tranquil and democratically inclined Costa Rica) dictators prefer to have their power 'constitutionally' prolonged. Politics, in the Andean Republics¹ (except in Colombia, which claims, with some justice, to be the most democratic of all Latin American countries), is still the monopoly of a small privileged group. Unhappy Paraguay has not yet recovered from a devastating war (1865-70) with Brazil, Uruguay, and Argentina, in which two-thirds of her people perished, still less from her conflict with Bolivia (1932-5) in the 'Green Hell' of the Chaco; and behind the political disorder which has characterized Bolivia, Paraguay, and Ecuador (though Latin American 'revolutions' frequently resemble European only in name) lie the solid facts of ignorance and poverty, of social and economic distress.

Argentina, however, after a period of anarchy and civil war and the ruthless dictatorship of Rosas, attained her political unity and institutional organization in the decade before the American Civil War (1861), and since then she has advanced with the stride of a giant. With economic progress came also the rise of labour and of a middle class to give

¹ Colombia, Ecuador, Peru, Bolivia.

increasing stability to politics, and to achieve, in the twentieth century, a growing liberalization of government and political institutions. If political life has shown an exuberance of corruption, it is well to remember Lord Bryce's strictures on United States politics in the eighties. Buenos Aires to-day is the centre of a vigorous intellectual life. In *La Nación* and *La Prensa* it possesses two of the world's leading newspapers, and the work of Argentine historians, scholars, and men of letters displays the increasing maturity of a country destined by nature (it has been well said) to be the seat of a great civilization. In Argentina democracy, if not invariably a practice of government, is a habit of mind.

Across the River Plate, one of the greatest high-ways of international commerce in the New World, Uruguay escaped, at the beginning of the present century, from a turbulence of politics, if not unrivalled, at least hardly surpassed, in Latin America, and flowered into new and fruitful life. Montevideo (from its association with international conferences) became the Geneva of the New World; and as the State entered into business and industry, embarked on a programme of State socialism and advanced social legislation, Uruguay offered to the world what has been termed 'the first New Deal in the Americas'. Its population doubled. Trade and commerce increased. The smallest of all the South American Republics, and one of the most backward, became in the course of a few years one of the most vigorous and most progressive.

The 'crowned democracy' of Brazil offered in the nineteenth century a marked contrast to her neighbours. That Brazil, a country of strong local patriotisms and competing regional interests, whose frontiers march with every South American State

save one, should have avoided disruption is sufficiently remarkable. But Brazil, also, under the benign rule of her scholar-emperor, Pedro II, enjoyed the reputation of being the most enlightened and liberal of the Latin States until, in 1889, a bloodless revolution prepared the way for the federal republic. The fall of the empire was due to a sudden *coup d'état*. But the great landowners had been offended by the abolition of slavery without compensation; the aged Emperor had become increasingly alienated from the Church and the Army; and Republicanism enjoyed a fashionable vogue amongst the professional classes. The establishment of the Republic was followed by great economic advancement, but politically the consequences were less happy. In 1929 the world crisis destroyed both the political and economic systems, and President Vargas, who came into power in 1930 and has remained there ever since, has established the nearest approach to a totalitarian State in the New World. Yet the most significant features of European totalitarianism are absent in Brazil; and the *Estado Novo* (New State), President Vargas maintains, is exclusively Brazilian, aiming at the establishment of Brazilian unity, at the exploitation of Brazil's great natural resources, at the development of the interior, and at social and economic reform.

Chile, like Brazil, enjoyed in the nineteenth century a reputation for stability, under a landed aristocracy which evolved something approaching a parliamentary system. But power, wealth, and education remained the preserves of an oligarchy, until the rise of industry, labour, and a middle class raised new social and political problems, and made more glaring the great discrepancies in wealth.

Economic dislocation in the nineteen-twenties, the collapse of the nitrate market and its effect on the public revenues, social distress, and the efforts to meet these problems, brought revolution and dictatorship. A Popular Front formed in 1936, composed of middle and left wing parties, came into power in December, 1938, and representing a programme of Chile for the Chileans, and of social reform, is attempting to carry into effect a policy no less and no more radical than the New Deal in the United States.

Latin America to-day is a laboratory of political, social, racial, and economic experiment. The movement for social regeneration in Chile, Uruguay's political and social innovations, President Vargas's régime, all these are evidence of new and vigorous life. Even in the Andean republics of Bolivia and Peru, there are movements for the reincorporation of the native Indian into national life. The Indian, the forgotten man of Latin America, is being discovered anew by painters and poets, folklorists and sociologists, and even by Governments, and it is increasingly obvious that both the Indian and the mestizo are destined to play a more important part in the future of the continent. Mexico, finally, has presented the example of the first genuine social revolution in the New World.

The Mexican Revolution

The Mexican Revolution, with its emphasis on the peasant and the worker, its vigorous nationalism, its trend to socialization, is seven years older than the Russian. It is as distinct from Communism as President Vargas's *Estado Novo* is different from Fascism. It is entirely Mexican, the product of

Mexican history and Mexican conditions, and to identify this remarkable experiment with Communism is to fall into a confusion of thought which engenders more heat than light.

Nine-tenths of the Mexican people are Indian and mestizo.¹ Seventy per cent. of the population is engaged in agriculture—on the 7½ per cent. of the land which is under cultivation. At the end of the colonial period one-fifth of the population (it has been estimated) owned everything, four-fifths owned nothing. The *hacienda*, the great landed estate, had triumphed at the expense of the land-owning village, itself older than the conquest, deep-rooted in tradition and practice, and enjoying, at least theoretically, the protection of the Spanish Crown. For the Indian and the propertyless, independence meant not new freedom but new masters. The war of independence began, indeed, as a social revolution; it ended as a political movement, with separation from Spain as its goal. For the next fifty years the history of Mexico was a tragic record of anarchy and civil war, of economic distress, and of the loss of more than a half of the national territory to the United States. In the middle of the century a liberal reforming movement, primarily associated with the great name of Benito Juárez, swept to a crest, and survived civil war, foreign intervention, and the brief empire of Maximilian of Austria (1864-7). Juárez saved the country; Porfirio Díaz (1876-1911) modernized it. Roads, railways, ports, and telegraphs were built. Foreign capital poured in. The shattered finances of the country were restored. Trade spectacularly in-

¹ In 1921 60.5 per cent. were of mixed blood, 20.9 per cent. were Indian. But the proportion of Indian blood in the mestizo is very much greater than of white.

creased. Administration became efficient. Banditry was suppressed. Outwardly Mexico presented a picture of social regeneration.

Yet when Díaz trod the path of exile in 1911 he left 70 per cent. of his people illiterate. The mineral wealth, the oil resources, the industry of the country were for the most part in foreign hands. Concentration of landholding had advanced at a prodigious speed; and the landholding villages had still further decreased in number. Despite a number of small farms, 'by 1910 the rural inhabitants of Mexico who had no individual property were probably more numerous than they had been at any previous time in the history of the country'.¹ Of the population that tilled the land 95 per cent. owned none of it. From three-fifths to two-thirds of the people were in debt servitude. Agricultural wages had not risen since 1792. Less than three thousand families owned nearly one-half of Mexico, and 27 per cent. of the area of the republic had been sold to a few individuals for less than twelve million dollars.

The revolution which broke out in 1910 was inspired by no particular political or social theory. Unlike that of 1810, it began as a political movement. It ended as a social reformation. Labour wanted relief, the peasant wanted land, and the pent-up passions of the people, the suppressed desires for national and social liberation burst into conflagration. For ten years Mexico passed through the fires of civil war. In 1917 a new Constitution expressed the aspirations of a new order. There were two famous articles. Article 123 guaranteed to labour those rights which labour commonly enjoys in a progressive State. Article 27 declared that

¹ G. M. McBride, *The Land Systems of Mexico* (New York, 1923), pp. 155-6.

the ownership of lands, minerals, and waters is vested in the nation, which may grant a title thereto to private persons and has the right, subject to indemnification, of terminating that grant for reasons of public utility. Villages deprived of their common land were to have that land restored, and all villages were given the right to receive land by outright grant. The size of the great estates was to be limited. Titles to public land alienated under the Díaz régime were to be investigated. It was not till 1920, however, that the work of reconstruction really began. The revolutionary programme, put together in somewhat piecemeal fashion, called for political democracy, education, land reform, labour organization, nationalism, and limitations on the power of the Church. But though Mexico had now begun to move (it has been well said) in a spiral rather than a circle, progress was slow, haphazard, and half-hearted. By 1934 it seemed, indeed, that the revolution had run its course. Tired revolutionaries and enriched politicians doubted the utility of further advance.

Yet the revolution was now to enter on its most advanced and active phase. Under President Cárdenas (1934-40), a sincere idealist as well as a skilful politician, its scope was broadened and its goal became clearer. Land distribution was given a new impetus. In 1930 less than 2,000 individuals still owned one-third of Mexico. By the end of 1939 the Government had distributed sixty-two and a half million acres (forty-four million having been distributed in the last five years); it had embarked on an extensive programme of agricultural development, rural education, and public works; the number of primary schools had increased from 7,500 in 1934 to over 20,000 in 1940; and the ideal of the

village community operating within a nationally planned agriculture had become more precisely defined. At the same time while Government control of industry and labour had increased, labour organization had made rapid strides; and it was made clear that if the peasant was to occupy a more significant part in the nation's agriculture, the worker was to play a more commanding role in the nation's industry. Finally, the trend towards the creation of an independent economy, and the strengthening of national sovereignty by the control of natural resources, was spectacularly illustrated by the expropriation of the foreign oil companies in March 1938; and expropriation became in Mexico the test of national sovereignty and national independence.

What is in progress in Mexico to-day is an attempt to transform Mexico from a colonial to an independent economy, from a semi-feudal to a democratic nation; to Mexicanize the Indian and to make the Mexican master in his own country; to achieve a sort of economic democracy. This programme has met with immense difficulties. Agriculture has been disorganized. Labour problems have been acute. The oil companies boycotted the sale of Mexican oil and were accused of seeking to disrupt economic and political life. But President Cárdenas persisted in his course, though a tendency towards consolidation rather than further advancement has recently been apparent; and despite the prophets of gloom and disaster, in December 1940 the President was able to resign his office peacefully to his successor, President Avila Camacho. That event marked a new stage in the evolution of Mexican democracy in its progress towards the creation of a free Mexico for free Mexicans.

Economic Development

To-day Latin America is the richest raw material producing area in the world free from the domination of any Great Power. Exports are its life-blood, and nearly 70 per cent. of the exports of almost all of these republics is made up of one or two traditional products. Bolivia is mainly dependent on tin, Venezuela on oil. Nitrates and copper are still the principal exports of Chile, metals and oil of Mexico. Coffee leads in Colombia, with petroleum a growing second. Cuba is the world's greatest exporter of cane sugar. Brazil has turned from sugar to rubber, from rubber to coffee, while cotton is increasingly important. The Central American countries depend on coffee and bananas. Argentina and Uruguay export the products of the farm and the ranch. Argentina is not only one of the world's great granaries, but its largest exporter of beef.

In 1937 Latin America sold abroad one-third of the value of its primary production. Its exports were valued at more than 10 per cent. of the world's total. It accounted for more than three-quarters of the world's exports of coffee and bananas, nearly three-quarters of its maize, nearly a half of its sugar, and more than a quarter of its wheat, cocoa, and copper. Besides this, Latin America supplied to the rest of the world over 60 per cent. of total nitrate exports, and it produced 42 per cent. of the world supply of silver, and 15 per cent. both of petroleum and wool. In general about 40 per cent. of Latin American exports are sold in the western hemisphere and 60 per cent. outside it.

There is, however, a great distinction between the States 'above the bulge' of Brazil and the States below it. The countries of the Caribbean area,

including Colombia and Venezuela, are closely linked to the United States both strategically and economically. The United States has been their principal customer (except for Venezuela), and their principal source of supply. Their economies are, for the most part, complementary to that of the United States, and the influence of the United States in this region has been, and remains, profound. But outside the Caribbean bloc the principal South American countries have found their chief markets in Europe. Argentina, Uruguay, Brazil, and Chile alone account for more than half of the total exports of Latin America, and the pastoral and agricultural products of Argentina and Uruguay are competitive with those of the United States. In 1938, though the United States took about one-third of the exports of Brazil, it took less than 9 per cent. of those of Argentina, and only one-fifth of those of the West Coast Republics.

With the partial severance of the European lifeline as a result of the war, the immediate and practical problem of the Latin American countries is the problem of the disposal of huge surpluses of foodstuffs and raw materials. But while this problem is vast and serious, the Latin America of 1940 is not that of 1920. A striking change is in progress. The Great War of 1914-18, which changed the United States from a debtor to a creditor nation and in part substituted United States for British capital in Latin America, had already itself demonstrated the dangers of the simple relationship between farmer, rancher, miner, on the one hand, and manufacturer on the other, which had been that of Latin America to Europe. World conditions in the thirties drove home the lesson.

'Having been mined for three centuries and milked

for one, the Republics, particularly the more advanced Republics of Brazil, Argentina, and Chile, determined to do a bit of the mining and milking themselves. Beginning early in the thirties with currencies generally devalued, economic nationalism became orthodox south of Panamá. Tariffs went up. Subsidies went in. And the principal South American Republics began to change with disconcerting rapidity from countries everybody used and nobody thought about to countries everybody thought about and fewer and fewer could use.¹

This development was in part spontaneous; it was in part stimulated by the conditions of the outside world. The prices of the principal Latin American exports fell. The flow of capital to Latin America declined. European countries adopted policies which faced the Latin American States with a growing stringency of foreign exchange. The United States tariff of 1930 itself caused difficulties and resentment, particularly in Argentina. The result was a period of great economic strain. Governments defaulted on their debts. The now familiar machinery of exchange control appeared. And while in European States the cry was 'back to the land', imperial preference, and the like, Latin America turned to industrialization, the diversification of exports, and the investment of domestic capital in domestic manufacturing. Brazil developed a textile industry sufficient not only for her own needs but such as to cause concern to Manchester exporters to Argentina. Argentina made great strides in the manufacture of cottons and woollens, and became self-sufficient in the domestic supply of boots and shoes. Industrial activity in Chile increased rapidly, and it has been estimated that probably almost one-third of the gainfully employed

¹ *Fortune*, xvi (December 1937).

population is now engaged in industry. In Mexico the Government entered into business for itself; and in general Latin America learnt to provide itself with a large part of the articles of common consumption.

These developments were accompanied by the growth of a new middle class, while the phenomena of an industrialized, capitalistic society became more apparent. The desire to control foreign trade and foreign capital was enhanced. Governments aspired to buy out foreign interests, and in the face of a new economic nationalism foreign investors found their profits declining and themselves in retreat. Industrialization in Latin America is yet only in its beginnings, and its future is problematical. But it is already causing a change in the basis of the relations of Latin America with the rest of the world. Not all these States have yet attempted to break down a colonial economy. Much in their economies still remains the same. But the frontiers of yesterday are closing to-day. It is a declaration of economic independence that is taking place in Latin America.

Latin America and the United States

The Latin American States cannot cut themselves off from Europe, nor do they desire such a severance. But the new tendency to self-sufficiency, the wish to be masters of their own destinies, is accompanied also by a movement for the strengthening of economic and political relations between the American States themselves. The war has quickened this tendency. 'The present significance of Pan-Americanism', an American expert has observed, 'lies in the acceleration of the tempo at which old, idealistic formulas are being converted

into effective instruments of economic and political co-operation.¹

The first step towards 'Pan-Americanism' is usually considered to have been taken when the Congress of Panamá, called by Bolívar himself, met in 1826. Bolívar, however, had thought primarily of a confederation of the Spanish-speaking peoples of the New World. In later years various attempts were made to give tangible reality to this idea, but without great success, and the United States, though in 1823 it had held up a hand in warning to Europe, displayed little interest in political co-operation with its southern neighbours. As Paris was the intellectual capital of Latin America in the nineteenth century, so London was the financial capital; and it was Britain rather than the United States that exercised a sort of political leadership in Latin America. It was not till 1889 that the first Pan-American Conference met, to establish the institution later known as the Pan-American Union, and the design of this early movement was commercial rather than political.

Between 1889 and 1928 six full Pan-American Conferences were held, besides a large number of other conferences more specific in character. The relations between the nations of the New World became more intimate. The entrance of the United States into the Great War gave her increased prestige in Latin America. Eight of the Latin American Republics followed her example and declared war on Germany. Five others severed diplomatic relations with Germany. But by 1928 close co-operation between the American nations had been attained neither in the political nor in the

¹ Howard J. Trueblood, 'Progress of Pan-American Co-operation', *Foreign Policy Reports*, 15 Feb. 1940.

economic sphere. The most fruitful achievements of the Pan-American Conferences had lain in the fields of international and commercial law, and in the establishment of machinery for the preservation of peace. At the Sixth Conference at Havana in 1928 antagonism to the United States was strongly marked.

While Argentina has claimed for herself a position of hegemony at her end of the continent and has adopted towards Pan-Americanism an attitude somewhat similar to that of the United States towards the League of Nations, while there has been distrust and jealousy amongst the Latin American States themselves, while, further, these States claim for themselves, and exercise, an independence of judgement, the major reason for this comparatively limited achievement was the attitude and policy adopted by the United States towards her nearer neighbours. The Monroe Doctrine of the nineteenth century was primarily a doctrine in defence of United States interests and security. At the beginning of the twentieth century it was transformed—or so it appeared in Latin American eyes—into an assertion of United States sovereignty and supremacy in the Caribbean area. United States capital looked southwards. The Panama Canal became the key to United States naval strategy. Economic and strategic reasons, the interests both of the United States and the European Powers, induced the United States to intervene repeatedly in the affairs of the Island and Central American Republics and to exercise in fact a virtual protectorate.

These measures roused the greatest resentment in Latin America, and the gravest apprehensions of the increasing political and economic power of

the United States. The vital principle of the legal equality and political independence of all the American nations appeared to be infringed, and some of the Latin American States which joined the League of Nations were moved not only by idealism but by the desire to find a counter-balance to the United States. In the late nineteen-twenties, however, came a striking reversal of United States policy. It had been anticipated by President Wilson. Under President Roosevelt it has become famous as the 'Good Neighbour' policy. United States troops were withdrawn from the Dominican Republic, Haiti, and Nicaragua. The United States ceased to act as a debt-collecting agency. It returned to the policy of recognizing *de facto* Governments. It explicitly disclaimed the right of intervention in the affairs of its neighbours.

These measures brought about an equally striking change in inter-American relations. The Montevideo Conference (1933), at which the United States deprecated the policy of intervention, marked a decisive step forward; and the increased cordiality which resulted was reflected both in the Inter-American Conference for the Maintenance of Peace, at Buenos Aires (1936), and in the Lima Conference (1938). The Buenos Aires Conference recognized the joint responsibility of the American republics to prevent the outbreak of hostilities amongst themselves; the nations agreed to consult if any non-American or American country should threaten them; and the Declaration of Lima went far beyond all previous statements of inter-American solidarity. What was in progress at Montevideo, at Buenos Aires, and at Lima was an attempt to establish a Pan-American system of equal States with common action for defence. And this development of political

co-operation found its parallel in the economic sphere. Under the Reciprocal Trade Agreements Act (1934) the United States initiated a more liberal trading policy in Latin America, and it has since launched a broad programme of financial and economic aid to Latin American States whose internal economies have been dislocated by the war and other difficulties. Finally, at Havana, in July 1940, the American States agreed on a common policy in the face of dangers from alien elements within. They reached a closer understanding of common economic problems. They affirmed a common will to prevent the transfer of European territories in the western hemisphere to non-American Powers, and they established diplomatic machinery to carry out that will. And in the interests of 'hemisphere defence' they have shown an increasing tendency towards the co-ordination of their military and naval resources.

Conclusion

The results of this process have been somewhat freely called the 'continentalization of the Monroe Doctrine'. That is an exaggeration. But the Monroe Doctrine has been buttressed by continental support, and the solid facts of neighbourhood and intercourse in the New World have been emphasized as never before. Pan-Americanism is not the result of historical necessity, but of conscious effort towards an ideal goal. There are still great difficulties, economic, psychological, practical, to be mastered in the relations of these States to one another, to the United States, and to the world around them. They still face perplexing problems in their own internal organization. The population is scanty, transport difficult. Poverty and ignorance

remain widespread amid great cultivation and often great wealth. A quarter of the population of Argentina, two-thirds of that of Brazil, three-quarters of that of Bolivia, Peru, and Ecuador are illiterate. The problems of nutrition and hygiene are equally serious. Yet great advances have been made, and the past gives confidence for the future. Politically, economically, and intellectually, these countries are destined to play an increasing part in world affairs; and between Latin America, the United States, and the British Empire there are traditional and permanent bonds of mutual sympathy, mutual interest, and mutual ideals. It will be strange indeed if these three great areas of the world's surface cannot work together to solve their own problems, and with these the problems of a new World Order.

SOME BOOKS

- KIRKPATRICK, F. A. *Latin America*. (Cambridge, 1938.)
- RIPPY, J. F. *Historical Evolution of Hispanic America*. (New York, 1932, reprinted by Basil Blackwell, Oxford.)
- The Republics of South America*. A Report by a Study Group of Members of the Royal Institute of International Affairs. (Oxford, 1937.)
- HARING, C. H. *South American Progress*. (Cambridge, Mass., 1934.)
- MUNRO, D. G. *The United States and the Caribbean Area*. (Boston, Mass., 1934.)
- LEVENE, RICARDO. *A History of Argentina*. Translated and edited by W. S. Robertson. (Chapel Hill, North Carolina, 1937.)
- PARKES, H. B. *A History of Mexico*. (London, 1939.)
- WEBSTER, C. K. *Britain and the Independence of Latin America, 1817-1830*. Select Documents from the Foreign Office archives. 2 vols. (London, 1938.)

